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ABSTRACT

Issues pertaining to private higher education are considered in five articles. In "Toward a Philosophy of Higher Education," Ben C. Fisher suggests a need for greater unity of purpose, more attention to producing good citizens, and a sense of the importance of religious values. The maintenance of a strong dual system of education, both at the secondary and university levels, is recommended. In "The Independent Institution of Higher Education in the Eighties," Earl J. McGrath addressed the following issues: opportunities for private institutions in the 1980s, the element of size, marketing the university, serving students of varying academic ability, the need for more effective general education, the special functions of the church colleges, and governmental support of private institutions. In "The Future of Higher Education from the Perspective of a Corporate/Foundation Executive," John T. McCarty considers the mission of a university, how business can help private institutions and their interrelationship, and gift tax credits. In "The Personal Challenges of the College Presidency," Hudson T. Armerding suggests that one of the major challenges of the college presidency is to perceive one's calling and to identify in that perception a vision for the institution. In "The New Public Interest Law Firms: Don Quixotes for Private Education," Maxwell A. Miller reviews recent trends that suggest the existence of a government by judiciary in the United States and examines the relevance of public interest law to educators. Among these areas are the following: private education's struggle against government, and President Reagan's pledge to decrease, if not eliminate, the Department of Education. A chart listing federal programs that affect the policies and procedures of colleges and administrative requirements is included. (SW)

Private Higher Education: The Job Ahead

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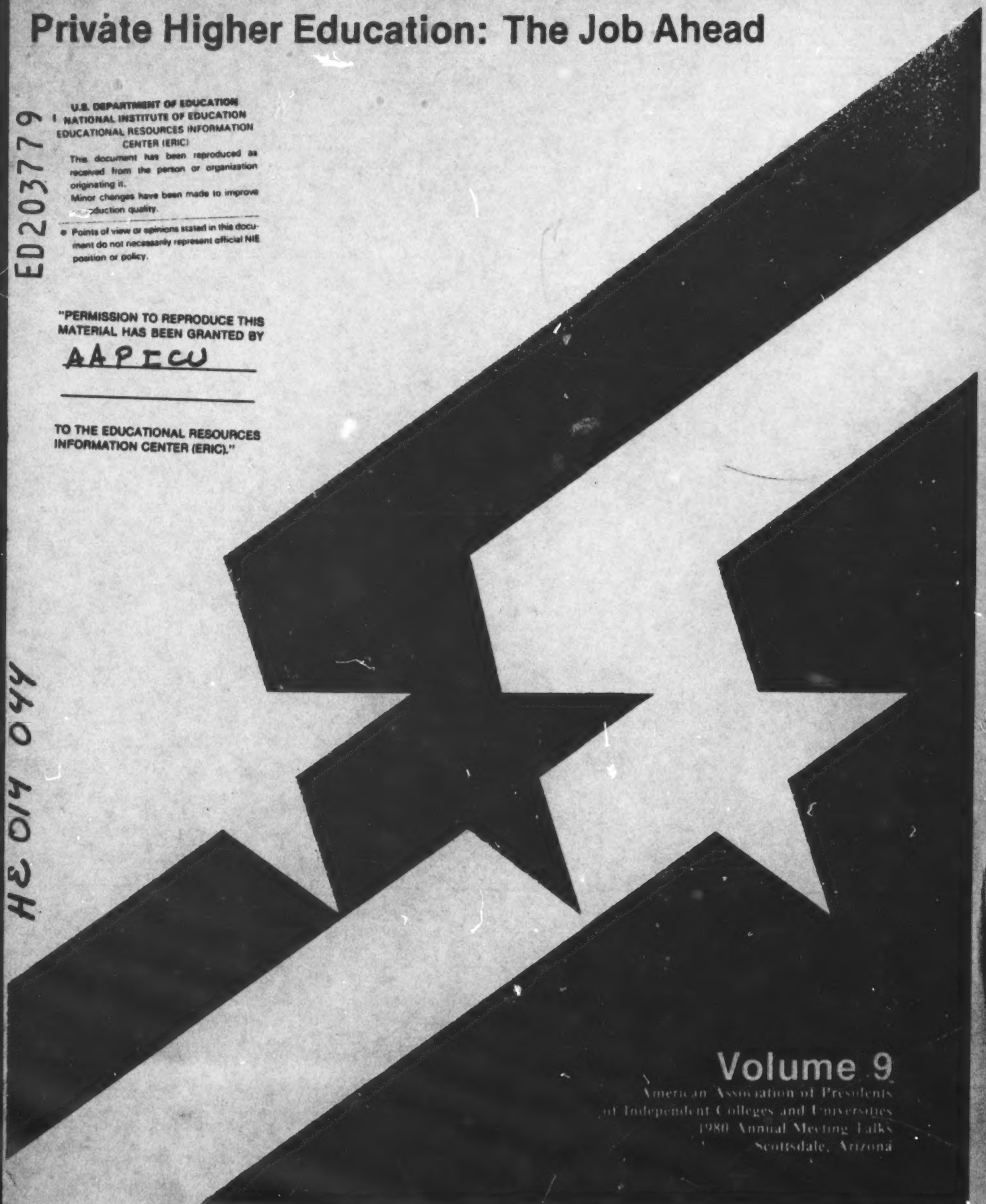

Volume 9

American Association of Presidents of Independent Colleges and Universities
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Preface

The American Association of Presidents of Independent Colleges and Universities was founded to provide an opportunity for the presidents to exchange views and compare experiences, to examine common problems and seek answers to them, and to take formal action on matters of special concern to independent college presidents.

The following excerpt from the AAPICU By-Laws, Article II, Section 1-A, explains our membership policy:

> In general any person acting or serving as the chief administrative officer of a regionally accredited independent college or university is eligible to become a Regular member of the Association.

At the annual meeting held in Scottsdale, Arizona, in December 1980, it was voted to publish the formal speeches for the benefit of both members who could not attend and others interested in higher education.

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"Toward a Philosophy of Higher Education"

by Ben C. Fisher

Presently adjunct professor of religion and educational consultant to the president at Campbell University (Buies Creek, N.C.), Dr. Fisher holds an A.B. from Wake Forest University, an M. Div. from Andover-Newton Theological School and furthered his studies at the University of North Carolina and the Baptist Theological Seminary in Switzerland. He was ordained in the First Baptist Church in 1938. Dr. Fisher held numerous positions as pastor, chairman of the English department (Gardner-Webb College), and college administrative positions. He was executive director of the Education Commission of the Southern Baptist Convention (1970-78), then consultant. He is renowned for his outstanding leadership service in higher education and in church circles and is the author of more than 20 articles and books.

I AM still struggling to justify in my own mind why I ever agreed to address this distinguished body on such a broad and philosophical subject. Although I hold a theological degree, I do not consider myself a theologian; and while I have spent at least thirty-five years as a teacher-administrator, having held professorships both in theology and liberal arts, I do not consider myself an educational philosopher. Therefore, I find myself somewhat in the position of Robert Benchley, who during a final examination at Harvard was required to discuss the arbitration of a conflict over off-shore fishing rights, from both the British and the United States' point of view.

Writing in his exam book that he knew nothing about either position, he added, "I therefore should like to discuss the problem from the point of view of the fish!"

Perhaps I could discuss a philosophy of higher education from the point of view of the poor fish—the student, the teacher, the taxpayer, the American public, and the college presidents. Perhaps what we actually need is a little more of the right kind of ignorance. I shall never forget back in the thirties a very brilliant professor of mine who became greatly distraught about the fulminations of a semi-literate radio preacher against Wake Forest, the University of North Carolina, and all other instruments of Satan. "That man, said Hubert Poteat, "if he isn't stopped, has enough ignorance to ignore this whole state!"

I am certain that if we are serious, and I believe we are, about moving toward a new philosophy of higher education, the starting-point may well have to be outside the university itself. First we had better look at and listen to a distressed and disenchanted public—a public much more knowledgeable and perceptive about man's social, economic, and moral dilemma than we give the average person credit for being. If indeed we have assumed that the American public has abandoned, or is in the process of abandoning, traditional mores, we are on exceedingly dangerous ground. In the minds of many, moral laxity, permissiveness, disrespect for parents and family life, the breakdown of personal discipline, the rise of the drug culture, the debasement of language, the ruthless exploitation of sex, the revolt against authority, the decline of patriotism, the absence of integrity in politics and in business and industry, and the manipulation of the consumer, particularly through mass communication media, have undermined public confidence in education generally.

The second look that we must take outside the university is the fragmentation and lack of unity which characterize American education from the kindergarten through the university. As appallingly difficult as the task may be, we must look at this situation, for the future of higher education in this country will be influenced more and more by the type of student who presents himself at the university gate with his diploma, saying that he is now ready for college. If he could read, write, cipher, and spell, he might be.

Several years ago two works were produced, one called *Up the Down Staircase,* and the other called *Blackboard Jungle.* They depicted, through the movies, existing conditions in city high schools that did not find great credibility with the general public; although if anything, they were understated rather than overstated. These shocking conditions have now spread to suburbia, and to consolidated rural high schools, particularly in the South and Midwest.

If we are in earnest about developing a realistic philosophy of higher education, we are going to have to face first the fact that we have raised great hopes and expectations which we have in many cases failed to fulfill. What we have not prepared the student for are "the slings and arrows of outrageous fortune," which somewhere along life's way he will encounter: such as a sense of failure, the loss of his job, illness, disappointment, personal misfortune, betrayal by friend or foe, seeing a less worthy person secure a prize which rightly should be his, or above all, the cruelty and swiftness of death—particularly as it comes to friends and loved ones. In one way or another we have promised the student that we will equip him vocationally, prepare him for responsible public life and citizenship, and give him the capacity for intelligent social action and the means for a satisfying private life.

In most cases, this is sheer rhetoric, and the common man is beginning to recognize it as such, unless the process of educating toward such goals is a continuous one. There must be cooperation throughout elementary, middle, and high school as well as college and postgraduate work if we are to achieve anything like stability in our society and satisfaction in our personal lives.

Not only the graduate but also the teacher has failed to satisfy the high hopes of the general public and of the student. Here is a description—not of an ideal teacher in a church-related college, but of the kind of instructor who was sought in the first quarter of this century by Columbia College for its "Contemporary Civilization" course:

> ...We have set our standard high and have insisted on having teachers who are dynamic and inspiring and who are persons of fine character, intelligence, broad education, and craftsmanship. We want teachers who are concerned not merely with imparting factual knowledge but with the meaning of knowledge in terms of attitudes and behavior, and with

moral values. We regard a teacher as unfit for instruction in any of our general education courses who is not interested in students as individuals and who cannot win their confidence and respect.

It was precisely the fact that many colleges and universities were not offering such inspirational teaching that triggered the uprisings of the sixties.

I PROPOSE to deal with three vital needs in our time "Toward a Philosophy of Higher Education": greater unity of purpose, more attention to producing good citizens, and an urgent sense of the importance of religious values.

UNITY

I think no one in this fragmented age will quarrel with an expression of the need for greater unity—in education, or anywhere else, for that matter—but particularly in education. Unity is desirable first for its own sake—the hope of feeling a sense of oneness is the thing that has brought us together here. Unity is desirable first for its own sake—the hope of feeling a sense of oneness is the thing that has brought us together here. Unity is desirable also if we are to restore public confidence, for when we all talk at once, no one can understand what we want or need. And unity is desirable, thirdly, for purely practical reasons, if for no other; if we have learned one thing through the National Congress and through NAICU, it is that when we can bring ourselves to speak with one voice, we command attention.

Instead, throughout education, segments have been produced which have almost nothing to do with each other. There is little sequence in goals—either personal or societal—in most cases, between kindergarten and elementary school, or between elementary and secondary school, and certainly there is a huge gap between secondary school and college.

Similarly the public and private sectors fail to display much unity—competing as they do for students, public funds, and foundation grants.

Within the private sector all is not harmonious. An organization like the National Association of Independent Colleges and Universities finds many institutions unwilling to join forces even on matters where common interest seems to call for a united voice.

Moreover, within faculties themselves, sharp distinctions are often drawn between the liberal arts group and those who deal with vocational preparation. While we stoutly maintain that there has been no podium associated with vocational training, the hiatus does exist, and is a problem which we are still finding extremely burdensome. It is present in the university between the classics and the courses in practical training such as teacher education, agriculture, business administration, etc. In the seminaries the "real faculty" considers itself separate from, and superior to, those teaching church administration, religious education, pastoral counseling, and similar practical courses. In institutions both public and private, this same sort of distinction divides so-called "pure" science from the less favored "useful" sciences; and between disciplines on every faculty there is competition for students, funds, and prestige.

In the beginning of education in America there were strong unifying forces holding the system together. General education was focused mainly toward college preparation, and although there was compulsory attendance up to a certain age limit, after that, even up to 1940, most students not seeking further education after graduation left high school to seek work. However, with an enormous group now remaining, or coming back, to receive a high school diploma, secondary education is forced to choose as *its* philosophy of education either the Jeffersonian view (which is an American elitism, concentrating primarily on developing those students with unusual skills and abilities) or the Jacksonian view (which gives the average student an opportunity to increase his knowledge and develop his skills, and in some cases then holds back to this level those of extraordinary capability).

In either case, the college now receives a heterogeneous mix of high school graduates, and there are other changes in those who compose the student body. They are no longer all bright-eyed younger boys and girls fresh out of high school. There are those who have had little or no formal education—retirees. There are those who wish to continue education as adults in many fields—those who wish to learn for the sake of learning. There are ethnic groups with special needs, and handicapped people.

Although there is no time to go into the history of our educational system in detail, we ought to take a few moments to see what have been sources of unity in the past.

In a recent trip to Rome, my wife and I were seated in a warm spring sun at a sidewalk cafe in the Piazza Barberini. On one of the older buildings we were fascinated by an ancient Latin inscription: "Quod Factum Tege; Quod Futurum Rege," the literal translation of which probably reads: "Protect what has been done: Rule what is yet to be." A broader legitimate translation might be, "Protect the past in order to determine the future." One of our greatest problems has been the gradual drying up of our historical roots. The erosion of the liberal arts has resulted in a withering away of our cultural perspective, and has produced an unwarranted preoccupation with the present.

Briefly then, we would review some of the more significant background material related to our present educational system. Historically, educational systems in all major cultures began with the subjective: that is, "Who is man? What is the purpose of life? What are the ultimate goals toward which he is moving?"

IN the Middle Ages and the Renaissance, language and philosophy occupied a major part of the curriculum. In the prescientific period, English universities offered a curriculum in liberal arts which included knowledge that free men should have in common. Four elements made up the core of liberal education:

1. Knowledge—a broad acquaintance with cultural heritage;
2. Ability to use the major methods of the various disciplines in seeking for and organizing information, as a basis for making wise judgments;
3. Skills in communication;
4. A well-developed sense of values.

With the coming of the "Age of Enlightenment" the universities took a different view of man—pragmatic, behavioristic. Man, instead of being viewed as a special order of creation, was thought to be a result of natural selection, produced by and forever bound to his environment. The elimination of the prescientific suppositions about God, man, knowledge, and the nature of the world was as great a revolution in education as the Copernican theory was in astronomy. With the new curriculum in science and technology, the Cartesian philosophers had all but obliterated the landmarks of the past.

All this resulted in enormous changes in curriculum, with the struggle in secondary schools to serve both those who wish to go to college and those who wish to develop vocational skills in mechanics, agriculture, manual training, etc.

Turning to the specific situation in America: because of the economic disparity in wide sections of the United States, and the consequent low tax base in some areas, there were developing blighted areas in general education, which ultimately resulted in a massive infusion of federal funds, with the primary aim to provide equal access and equal quality.

The phenomenal growth of our secondary schools, nourished by these massive infusions of federal money, resulted in enormous improvements in classroom facilities, libraries, expanded curricula, development of social activities, better teaching training, innovative and sometimes even creative programs for gifted students, expanded opportunities for travel, and instant access to significant happenings through mass media communication. We have assumed that the consequence of all these advantages

would automatically be the most mature, best prepared generation of college students in history. However, the fatal flaw was that we mistook precociousness for maturity. These students were well-informed but not self-disciplined; they had knowledge without enough guidance toward organizing it and finding in it satisfying insights and meanings; and in most cases they had not been encouraged to set goals, either personal or societal. Even so, a few *were* imbued with a strong idealism such as a concern for peace, a demand for social justice, and a strong urge toward educational reform. The truth is, however, that the vast majority did not give a tinker's damn one way or another.

THE knowledge explosion and the student population explosion, along with the impact of radical social change, have resulted in several attempts to define purpose and to develop a unifying principle.

Two developments in this century have simply added further difficulties to the problem: the free elective system introduced in the 1880's by Eliot of Harvard, and the emphasis on specialization, modeled largely on European universities.

While the student was able to exercise his new found freedom in the elective system, there is no way to guarantee either coherence or intellectual discipline.

Specialization tended toward cutting the student off from a broad intellectual perception of his heritage and culture.

One attempt at the unification of knowledge was through an understanding of man's cultural heritage—particularly through reading the great literature of mankind, such as the Great Books List of St. John's, or the core curriculum of required courses popular for some time, and now the interdisciplinary approach to learning.

Others have advocated that the source of unity ought to be in problem-solving, and that education ought to be centered around concrete problems and challenges in this rapidly changing social order.

A third effort, and perhaps the most influential, has been that of pragmatism, or the scientific outlook where we deal only with the concrete, the tangible, palpable, observable, measurable facts.

John Dewey, perhaps more than any other American educator, represents the pragmatic point of view. Dewey had great faith in the scientific method of thought, and felt that all conclusions must be based on tested data, but that since facts themselves are constantly changing, they must be viewed tentatively. Thus truth can never be fully known, and is ever relative. Such an attitude inevitably leads to a negative outlook and the erosion of substantive values.

Thus, in our forty years of wandering, from the forties to the beginning of the eighties, we have paused long enough in the Wilderness of Disunity to bow down before the golden calf of objectivity; and we have neglected the whole realm of faith and values, which originally held the system of education together, and provided a sound basis for education toward responsible citizenship.

CITIZENSHIP

Responsible citizenship ought to be a major goal of any philosophy of education, for it would seem to be axiomatic that an educated person ought to be useful to society as well as to himself. Any government that sets up an educational system that does *not* produce responsible citizens commits societal suicide. John Stuart Mill's classic address as rector to the students of St. Andrew's is still valid, "The chief duty of the university is to produce good citizens."

Particularly is this necessary in a republic such as ours which, to be productive, must have three characteristics:

1. Leadership must be both intelligent and of unquestioned integrity.
2. The citizenry must be literate, informed, and morally responsible.
3. The general climate must be one in which there can be an interplay—even a clash—of divergent ideas; in other words, there must be freedoms of worship, speech, press, movement, and choice of vocation, as well as a reasonable economic security so that citizens have an opportunity to earn their daily bread.

Thus it is obvious that in order to produce good citizens, it is necessary to teach values as well as knowledge and skills. We have seen in our day not only an erosion of such instruction in values, but sometimes, even in high places, a repudiation of such instruction. Steven Muller, in his inaugural speech at Johns Hopkins, proclaimed that the dissemination of knowledge comprises the main objective of a university. He was amazed by the firestorm of adverse comment that greeted this statement. As recently as last month, James Lyons of Stanford University, addressing the Center for Constitutional Studies, asserted that "Institutions need not have campus rules and prohibitions just because those same prohibitions exist in public law." He too was unprepared for the reaction in favor of campus preparation for citizenship.

Debates over the old principle of *IN LOCO PARENTIS* often attempt to confuse the issue by pronouncements that values are too vague and unidentifiable to be taught. Father Hesburgh, in an article entitled "Making Prophecies of our Goals" says that in higher education today, values are indeed largely characterized by their absence, but, says he:

> They are the constants that bring quality to the whole endeavor of higher education, to the life and achievement of humankind in every age. Somehow in the welter and abruptness of change, we have lost our grip on these constants. We would all admit in the quiet of our consciences that justice is better than injustice, love better than hate, integrity better than dishonesty, compassion better than insensitivity, beauty better than ugliness, hope better than despair, faith better than infidelity, order better than chaos, peace better than war, life better than death, knowledge better than ignorance, and so on.

Certainly in the beginning, the problem of values and the development of character for citizenship was inherent in general education. A single glance at an old textbook is sufficient proof of the emphasis on moral conviction and on the courage to carry it out.

But we have watched in all countries the steady erosion of our cultural and religious values. In recent years my opportunities to visit colleges and universities both in Asia and in Europe have caused me to see that under whatever rubric, the situation which I have described at home is a worldwide problem, whether it be in Tokyo, Hong Kong, Bangkok, Rome, Zurich, Madrid, Tubingen, Heidelberg, London, Oxford, Cambridge, or Edinburgh. The overwhelming worldwide advance of technology has eroded value systems in all cultures. While we speak fervently of developing the good man and the responsible citizen, we have seen the gradual disappearance of the teaching of moral values—from the kindergarten through the university. Instead, there is a growing emphasis on value-free scientific research and the abandonment of any responsibility for the development of character essential to social responsibility and productive citizenship.

Apparently, a large part of this reasoning is based on the idea of the inherent goodness of man. From Rousseau to Dewey, it was held by many that if you let the child develop as naturally as possible, his inherent traits, which are basically good, will grow into the humane qualities of toleration, open-mindedness, concern for neighbor, and self-discipline. They will make him a good man and a good citizen.

Essentially we are saying, "Just let him grow up. He will eventually make the right choices and will in due time make his contributions to society."

ACTUALLY most of us no longer really believe this, and certainly we have not been without our prophets, had we but chosen to listen. Had we listened to Sorokin in his great book, *The Crisis of our Age*, we should not be surprised at what is happening in our sensate culture. Had we listened to Sir Walter Moberly in his book, *The Crisis in the University*, we might not now be paying the price for shirking fundamental issues such as the reality of objective values in human conduct, the sterility of thought divorced from responsible action, and the terrible toll of moral neutrality, which breeds cynicism and ultimately leads to despair. Had we read nothing deeper than *The Lord of the Flies*, we might have had some second thoughts about the natural goodness of man. Had we read nothing but Sartre's biography called *Words* or his play *No Exit*, or Albert Camus' *Myth of Sisyphus*, we might better understand the depth of despair to which modern man has fallen. If we had taken seriously Bertrand Russell, and particularly Julian Huxley in his book *Religion Without Revelation*, we could have more easily understood how many scientists and philosophers have affirmed a new humanistic religion, not based on the revelation of God but rooted in a faith based on man, intelligence, and the scientific method. Or had we listened to Sidney Hook, we could better understand the devastating effect of a permissiveness that today seems to assume that "because moral rules, principles, or ideals have exceptions and do not possess an absolutely categorical character,... therefore there are no more rules, principles, or ideals." Or if we had read nothing at all and simply listened to the Watergate hearings, we should have seen a graphic illustration of the products of an educational system which has eschewed moral values and personal integrity.

All the young men who foundered in the Watergate crisis had received the best value-free education this country had to offer. It produced some of the worst citizenship we have yet seen.

PERHAPS the greatest single failure in general education has been the neglect of values. The fact that the whole problem of values is highly subjective and difficult does not relieve American general education, public or private, secondary or post-secondary, of the responsibility for developing in the students high moral principles as well as intellectual excellence. This has nothing to do with indoctrination. Concern for indoctrination has become more and more a smoke screen for the intellectually incompetent, the morally uncommitted, and the ethically indifferent.

Moreover, both the speed with which new knowledge now confronts us and the ever-increasing social change make it imperative for the individual to be able to make an intelligent moral response. Computers recall but cannot think. They record but cannot make decisions. They store up knowledge but cannot have concern or compassion. They can create only to the extent of prior programming. They cannot meet the unexpected or the new. Finally, they have memory but not judgment. Yet there is a kind of teacher who programs persons as if they were computers. The results are predictable.

In all areas, larger concerns than the specific subject taught must be the goal of the competent and productive teacher.

I have increasingly strong feelings about the teacher, in either the public or private college or university, who assumes the stance that his sole responsibility is to transmit knowledge, and that the student's development of life goals and his conduct while in the university are matters of concern only to the student. This attitude reflects on the part of that teacher intellectual impoverishment and an extremely low view of the worth and dignity of persons. As long as this posture goes unchallenged by his peers, there can be little improvement.

Moreover, a teacher teaches as much by example as by precept, and in my judgment, a large majority of long-suffering and hitherto silent taxpayers are going to be increasingly heard at this point.

If a college or university is serious about its philosophy of higher education as it relates to the production of good citizens, its concern will be reflected, not only in the curriculum and the budget, but in the kind of intelligent, competent, balanced communicator who is employed as a teacher.

Citizenship must be expanded to take on world-wide responsibility, but I am convinced that a person who does not love, and would not be willing to die for, his own country cannot fully love or respect his neighbors in other countries. The recovery of patriotism in the original high meaning of that word is essential. Demosthenes in the First Philippic, delivering an address to the Athenian citizens in a time of great national peril, said, "Do not speak to me of mercenaries. I will have none of your paper armies." The First Philippic is a moral as well as a military challenge, which was a clear call to integrity and responsible citizenship in all areas of Athenian life.

Moreover, the call to citizenship is a clear call to defend this country with our lives, our goods, and our honor. It is a call to respect the flag of our country and the liberty which it signifies. It is a call to respect those who wear the uniform and insignia of military service and to remember the thousands who have died, many of whom lie at the bottom of the seas or in unmarked graves in distant lands on the far-flung shores of this world. It is a call to understand the growing materialism and those forces which seek to destroy individual freedom and democratic government. It is a call to remember the greatness and unselfishness of this country. What nation ever treated its defeated enemies with such consideration and generosity as we have treated Japan and Germany? Instead of rape, pillage, and confiscation of lands, we helped Japan and West Germany to make full recovery from the terrible wounds of war. Without instilling in the student the old idea of "my country, right or wrong" or a new isolationism, it still should be possible, and it is desirable, for the teacher to impart to the student a pride in, and love for, his country, and a desire to serve it as a citizen.

RELIGIOUS VALUES

The above-mentioned attributes are societal. There is a deeper level of values—the religious dimension of life—that has been receiving short shrift in contemporary education. Without it, not even an objective evaluation of history or culture is complete, because it is an integral part of a man's makeup.

Some years ago, Mrs. Fisher and I stood before the statue of the charioteer at Delphi. The fact that the statue is almost perfectly preserved made it possible to observe the feet of the charioteer, which were executed in perfect detail, down to the last knobby ankle-bone, although in the original position of the statue inside the chariot, it is not likely that the feet would ever have been seen at all.

A short time before that, we had spent an entire afternoon on the Acropolis. Our guide was a very brilliant young lady with a master's degree in archaeology from the University of Athens. She explained to us many of the details as to how the Parthenon was erected. I made some mention of slave labor. Mrs. Prattos challenged this immediately, and said that since the Parthenon was erected to the honor of the gods, the craftsmen were free men and honorable citizens. We also learned that the sculptors completed in minute and perfect detail even the smallest adornments which would never be seen by the public. They *would* be seen by the gods.

As we think of moving toward a philosophy for the future of higher education, the development of personal integrity must be the critical issue. Nothing works without integrity, and the unifying force in Greek culture for many generations was religion and philosophy which produced such self-discipline and integrity as were exhibited by the unknown sculptor of the charioteer.

Similarly in Western culture for many centuries the unifying force was Christianity, and the great challenger to this force has been science. Anyone who takes an honest look at the situation will recognize as pure myth the idea that there is no conflict between science and religion, or between

science and humanistic values. I am not so sanguine as Martin Marty, who said in an article in the *Saturday Review* that there is more conflict *within* science and *within* religion than there is *between* the two.

We are grateful for the hopeful signs which Marty catalogs, but I must say that if there is no conflict, it is largely because those of us who call ourselves Christian have either withdrawn ignominiously from the field, or we have consciously or unconsciously surrendered or compromised our deepest convictions about God, man, creation, and consummation.

How many scientists really believe in a personal God, who is both Creator and Redeemer? —in the incarnation, the resurrection, and eternal life?

WHAT I see presently, rather than reconciliation, is an even more subtle confrontation, which is little more than "spiritualized" materialism. However, for at least a few scientists, the human qualities of emotion, imagination, creativity, and esthetic response are being considered as qualities beyond scientific analysis which help to make up the whole man. Abraham Maslow, in his article, "Peak Experiences in Education and Art," makes the cogent observation that you cannot apply the same measuring-sticks used in physics, astronomy, mechanics, and chemistry for the study of human beings.

While it is true that the church itself helped to create the original rift between science and religion by taking issue with Galileo, Kepler, and other great astronomers on the new cosmology, defending vigorously the archaic Ptolemaic concept of the universe as if Christianity's very life depended on an outmoded idea of the universe, we are not speaking now of medieval scholasticism, though, helped for a time to revive and preserve the classical tradition that truth must rely on both reason and experience.

But because of its strong belief that ultimate justice lies beyond this life, the medieval church could not address itself to the glaring evils of its time, thus creating a societal vacuum into which science rushed with a concern for the disease, poverty, and misery of mankind, and an even deeper concern for the improvement of his day-to-day living, and his survival in terms of the here and now.

What we tend to forget is that the church, with all of its failings, made four great gifts to Western culture: social concern, the quest for truth, an insistence on freedom for every human being, and a high view of the worth of the individual. These came straight out of the teachings of Jesus and of the Old Testament prophets.

IN addressing our own church-related colleges, I frequently cite Immanuel Kant's three critical questions which he felt the good teacher puts to his students: "What can I know? What ought I to do? What may I hope?"

In our colleges and universities as a whole we have perhaps done a much better job of answering the first question, "What can I know?" than the last two: "What ought I to do?" and "What can I hope?" But it is in the attempt to answer all three that the whole motive for education is grounded. As John Donne said, "No man is an island."

I am hearing a great deal these days about the apathy of present-day students. Is it barely possible that at least a part of this apathy may have been generated by an even worse apathy on the part of universities which have assumed a general stance of neutrality where values are concerned, and thus have taken, to a large extent, the joy and excitement out of education? Moral decision is where the action is.

However, the cynics and the perpetually intellectual sophomores will immediately dodge the issue by raising the false premise of semantics: "What is truth? What is justice? What is humaneness?"

We maintain that such questions are spurious, and that there are not only clear definitions, but there are essential practical considerations on which rest the future of society, and for which education at all levels must assume responsibility. Lying, cheating, and stealing are indentifiable, and represent a cancerous growth which has penetrated deeply into our society. Hate, cruelty, and unconcern are likewise identifiable, and daily take their heavy toll in our common life. The absence of love of neighbor and of concern for suffering is reflected everywhere in our culture. The loss of respect for the individual and the ever-increasing devaluation of human life have left us brutalized and desensitized. If we really want to take a negative measure of our social order, we can visit our prisons, our mental institutions, or we can examine our concern and care for the aged, or better still, we might observe what is really happening in race relations. We have rightly hailed the legal victories which have been won at great cost by the minorities, but have we the courage actually to examine the recalcitrant, unchanged, and bitter hearts where hate festers and unborn violence has already been conceived—out of which may well issue terrorist tactics such as this country has never known. What happened in Greensboro, North Carolina, can happen anywhere in this country. We do not want to believe that there is ever-increasing growth of paramilitary groups, well armed and disciplined, but down many a country road is a private gun club; and in many a city ghetto there are so-called social clubs whose members practice, drill, and become familiar with the latest weapons, which seem readily available to those who have the price.

But having said all this, I do not share the common pessimism about our future, particularly as expressed by such noted scholars as Toynbee, Wells, Mumford, and more recently, by Heilbroner, Kenneth Clark, Bronowski, Galbraith, and others.

THE difficulty of re-introducing religion and religious values into American education from the kindergarten through the university is a formidable task which poses *some* constitutional problems, but many which are imagined. As far as the public sector is concerned, we feel that the great need is to recognize that religion is not only an integral part of our culture, past and present, but that for many it is the only way for self-fulfillment. Moreover, the public sector must deal with the problem of ethics as being absolutely necessary to the development of responsible personhood and productive citizenship.

Following World War II, there was a rapid and widespread development of departments of religion in state universities. Denominations vied with each other in establishing expensive on-campus student centers. Great stress was placed on "Religious Emphasis Week." Special effort was made to bring to the campuses religious scholars and church leaders.

In 1958, a distinguished group of scholars, led by Erich A. Walter, published a book, *Religion in the State University*, which has become something of a landmark. Among these scholars were Murray, Herberg and Bainton. Nevertheless, these men, in addressing the problem of pluralism in American culture and religious life, spoke only of the Catholic, Protestant, and Jewish faith. Now within less than a quarter of a century, this problem can be addressed no longer in terms of the Judaeo-Christian tradition only. Eastern religions are now firmly established in this culture, particularly Moslem and Hindu. Apparently there is also a growing number of smaller religious sects outside the Christian tradition, which have also come largely out of Eastern mysticism.

The best solution to this problem for the foreseeable future is to maintain a strong dual system of education, both at the secondary and university levels. But in order to do this, parents and students must receive equitable assistance from public funds. There has been marked reduction of large private fortunes and a slow demise of the large foundations, not to mention the fact that tax-supported public education has entered into the field of fund-raising to such an extent that it has had a crippling effect upon contributions to private education. Therefore, some direct assistance to the student is necessary if we are to maintain options for the millions of people in this country who want their children to receive religious instruction, whether it be Protestant, Catholic, Jewish, Moslem, Hindu, or otherwise.

People of faith have every right to demand that their understanding of epistemology, their way of viewing the nature of man and his ultimate destiny, and their understanding of ultimate values be given the same rights and privileges as the secular philosophies are receiving.

It is surely understood, however, that any school practicing racial segregation is not worthy of, nor should receive, public or private support under the guise of offering religious instruction.

There is no way, in my judgment, that the public sector can develop a program of religious instruction that is adequate, for the reason that religion is highly subjective, and the public sector is forbidden by law to teach it except objectively. Therefore it is this very group on independent colleges and universities that have the supreme opportunity to present religion in its fullest sense, and I agree with the late Father Courtney Murray that the first qualification of those who would teach religion is to have it, so let us choose the teachers carefully.

Granted that in our day and time, all factors are becoming infinitely more complex—still we need to sort and sift until we can offer our students unity of purpose, pride in citizenship, and the option of religious fulfillment.

"The Independent Institution of Higher Education in the Eighties"

by Earl J. McGrath

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In his timely volume *The Endangered Sector*, a former foundation executive, Waldemar A. Nielson, informedly discusses the special problems private institutions of all kinds will face in the years ahead. A propos of education, Nielsen concludes:

> After the mid-1980s, with the prolongation of their financial difficulties and the gradual intensification of the battle for students, a growing number of the marginal private institutions in all likelihood may begin to fall by the wayside. ...If the country is not able to deal with the task of managing the decline coming in the 1980s and the 1990s with greater skill and forehandedness, one of the momentous consequences may well be the devitalization and possibly the liquidation of a good part of private higher education and thereby the duality of the American system.

And I would add, "an enfeebling homogenization of the entire intellectual enterprise." If these judgments have any validity, few subjects should today be of greater concern, not only to educators but to the public at large, than the preservation of the independent colleges and universities. In fact, only through the continuation of their services can the well-being of the public system itself be assured.

It has been my privilege to observe higher education in some thirty countries. Though conscious of our shortcomings, a comparison of those establishments with our own has led me to the studied opinion that our system as a whole excels any other. Our prosperity at home and our position among the nations is in large measure the result of the concrete expression of the conviction that the effective education of citizens is the only sure basis for our continued national well-being. By opening their doors to students of the broadest range of abilities and interests, and providing diversified programs to serve their varied needs, our institutions have served well both their patrons and the larger society. I restate these views on this occasion, at which few American educators would demur, to signalize the *primary factor* in our superior system. It has been the dual nature of its support and control—partly private, partly public.

THE PRESERVATION OF INDEPENDENT INSTITUTIONS IS IMPERATIVE

The immunity to government domination which the Supreme Court decision in the Dartmouth College Case established in 1819 has been largely responsible for the free play of creative energy in adapting institutional services to the emerging needs of a dynamic society. Hence, our system of higher education has not been hampered from outside by a dictatorial ministry of education, a subject to which I will return later. Moreover, established and governed by groups of dedicated laymen, these private institutions have been freer on the inside from traditional academic restraints common in other centers of learning. Yet, never in our history has the danger been so great that this organic flexibility, and its resultant social responsiveness, may be eroded. Today all Americans, even those whose lives are involved primarily in the publicly supported institutions, should commit themselves to the preservation of the independent sector.

Even if the future of private higher education may be neither as threatened nor as obscure as is commonly portrayed, those of us who cherish these institutions cannot with impunity take a Micawber-like stance with respect to the intensified educational and social forces which could adversely play upon them in this decade. In discussing policies and practices which can sustain them, I would like to distinguish between the complex, large universities like Chicago and Harvard and the smaller colleges with enrollments under 2,500 students, because although both have problems in common, the latter are in more acute danger. I would like also (before I close) to speak particularly about the church-related colleges and universities.

. The Carnegie Council on Policy Studies in Higher Education', after a review of the forces which will play upon all of American higher education in the rest of this century, has suggested that institutions consider eleven courses of action to deal with emerging problems. Significantly, to this end, one of their proposals urges: "The preservation with the cooperation of all of higher education of the private sector of higher education, with its autonomy intact and its diversity maintained."

THE DEPRESSED CONDITION OF THE INDEPENDENT SECTOR IS EXAGGERATED

In a spirit of helpfulness, I would like to propose some policies and practices calculated to keep these institutions vigorously alive and capable of maintaining the distinctive, high quality services which have characterized them for over three hundred years.

In view of the epidemic lamentations concerning privately supported higher education, it should be recognized that the independent sector *as a whole* has not been in a state of decline. Superficial observers make much of the fact that in 1950 about 50% of full-time students were enrolled in independent colleges and universities while recently that percentage has dropped to about 20%. They often overlook a more encouraging statistic.

The degree-credit enrollments in the same institutions have more than doubled. In 1950 they served 1,141,600; while in 1976-77 this figure had risen to 2,358,700.[2] Different institutions have, of course, fared quite differently. To be sure, since 1970 about a hundred have closed or merged. A discerning examination of the mortuary list, however, reveals that long before the present economic crunch, most of those now defunct were only marginably viable. Some were seminaries, or other institutions with special, small clienteles, severely limited current support, and little endowment. As sad as their demise may be to alumni and staff, the total enterprise of higher education has not been severely disadvantaged by their passing.

In fact, intimate association as trustee or advisor has revealed to me that a number of the smaller colleges have in recent years enjoyed arresting growth. Disregarding the very old and well-financed institutions, there are many others which, even though continuously needing additional income and enrollments, are in no danger of an early financial crisis.

One very encouraging aspect of the present situation is the substantial increase in financial support, even in real dollars, from alumni, corporations, and private philanthropists. The Council for Financial Aid to Higher Education reports that for 1978-79 total gifts from all sources amounted to three and a quarter billion dollars. From 1974 to 1979, total gifts *in terms of real purchasing power* rose by 14%. Moreover, even in the face of reduced real income, personal giving has held up remarkably well. This commendable practice of American philanthropy, existing nowhere else in the world, must be more fully exploited because the future well-being of the private sector will be determined to a considerable extent by the volume of income from other than student fees. One fact to which I wish to return is that only substantial growth in state and federal student aid has prevented the increasing differences in cost between attendance at an independent and a public institution from driving larger percentages of students into the latter.

A further imbalance between enrollments at public and private institutions can be, and I believe will be, restrained by countervailing forces. First, when the situation becomes dramatically critical, alumni, who in terms of their numbers and the size of their gifts have *with notable exceptions* not been markedly generous, will rise to institutional needs. The Council for the Advancement and Support of Education reports that in 1978-79 only 24.3% of alumni of private coeducational colleges made any contribution to their alma mater. On the other hand, in a time of need, a college in Vermont, for example, greatly increased the number of givers, and its annual income from alumni has risen in ten years from $29,000 to $252,000. Other colleges have had similar success. To achieve this goal, however, a whole new systematically organized approach had to be inaugurated.

Second, increases of gifts reported by the Council on Financial Aid, which increased in the decade 1968 to 1978, may reasonably be assumed to grow still further as corporation executives and boards witness the increasingly acute financial stress in the institutions which, like their own organizations, operate on the principle of free enterprise. They will doubtless also be moved to make even greater efforts to preserve these sources of many of their own employees.

THE INDEPENDENT INSTITUTION'S OPPORTUNITIES IN THE EIGHTIES

In the midst of the swift political, social, and economic changes of our time making predictions even over a decade is extremely hazardous. I consider it more expedient to identify policies and practices which, if adopted, will increase the likelihood of institutional well-being. These proposals rest on the demonstrated experience of many institutions.

First, enterprising private institutions will begin now to consider the impact of the crop in the birth rate in recent years. Lower birth rates in the sixties and seventies will increase the competition for students for at least seventeen years. Many independent colleges are relatively small. To sustain themselves at viable levels, they ought to capitalize on their size by personalizing their services.

Second, to meet the competition, especially from the lower cost, tax-supported agencies, private colleges and universities will institute more effective marketing programs which highlight the distinctive features of their programs and life styles.

Third, most of the smaller, private institutions will find it necessary to admit students with lower test scores. Increasing individual attention and superior teaching for these students of modest achievement will enhance rather than adulterate the quality of their service.

Fourth, colleges with something more than a nominal church relationship will highlight their spiritual commitments and give these religious declarations of purpose concrete expression in the classroom and in campus life generally. Thus, they will take the one single action that will assure their survival through increased support from a large company of Americans who seek meaning in their lives through a spiritual renaissance.

Fifth, the preservation of our dual system of higher education will be achieved to a considerable degree by the policies and practices of the state and federal governments. Those who believe in the efficacy of the private sector can determine whether policies of legislatures and executive officers will be favorable or adverse. They will be effective in proportion to the vigilance constituents exercise in protecting institutional integrity and freedom from encroachment.

Sixth, that our society is in disarray is attested by the opinions of leaders in education, politics, in social organizations, in economics, and by the events of every succeeding day. *Sole* responsibility for the disorders of the times cannot equitably be laid at education's door. But neither can the profession disclaim responsibility for remedying them. Educators must take such steps as are necessary to inform the citizenry concerning the factors at work in the present human condition. To do this will require a broader, general education of all regardless of their individual abilities, interests, or occupations.

Seventh, at the root of the present disorder is an ignorance, a misunderstanding, or rejection of the traditional social, political, and spiritual values which the founding fathers proclaimed, and which acted as a socially cohesive force for more than two centuries. The disavowal or disregard of these values has led to the dissolution of an orderly social structure and aimlessness of

personal life. Higher education must play a leading part in clarifying the basic commitments by which we live.

THE ELEMENT OF SIZE

Farsighted leadership in the smaller institution will set a reasonable enrollment goal and then design its services within the agreed-upon limits. In doing so, it will consider the effect of the shrinking pool of *potential* students. For the next eighteen years, no guessing is required to forecast the number of young people of college-going age. They have already been born. From 1978 to 1997 the college age cohort (18-21) will decline by 25.6%. The big slide will begin in 1983, level off from 1989 to 1991, and then continue sharply to 1997.[3] Economic and other social factors could influence these figures. War, student disaffection, depression, and plague could reduce attendance. If previous experience is a valid indicator, however, depression would probably increase attendance, but only with large government subventions.

Considering the negative impact of the birth rate by itself, institutions could, of course, reduce it by promptly launching measures to offset it. One factor in dealing with institutional size is basically not biological; it is psychological. Typically, we Americans equate excellence and success with growth—bigger is inevitably better. Whatever validity this conception may have in commerce and industry, its comprehensive application to the educational establishment has become demonstrably questionable. With little objective evidence, some of us have contended that if the full complement of human abilities and traits are considered, the education a student experiences in a small institution can be superior to that in an academic megalopolis. To be sure, even E. F. Schumacher agreed that small is not *necessarily* beautiful. Only those institutions of modest size whose members establish close human relationships in teaching, management, counseling, and campus life generally can claim educational benefits not typically available on campuses with throngs of human beings. If, for example, teachers limit their instruction to formal lectures, there is little educational advantage in a class of 20 students over one with 200. Likewise, if faculty members on a small campus are preoccupied with research, writing, or extramural activities which make them as inaccessible to students outside of class hours as they frequently are in large academic communities, the principal advantages of size will be lost.

The unsystematized observations of advocates of the small colleges are now supported by extensive research. Alexander Astin, after a ten-year study of 200,000 graduates reported in *Four Critical Years*, has shown that the smaller institution provides a richer total educational experience than the larger. In observing the recent growth in large tax-supported institutions, and appraising the influence of size on the more inclusive outcomes of learning, Astin provides answers to some old questions. He asks:

> What are the implications of these trends for American higher education, given the findings of this study? Will students benefit from a system in which the public sector expands while the private sector remains stable or declines?

And then he answered:

> Data from the present study suggests a very different policy, if favorable impact on students is a desired goal for the higher educational system. Private institutions seem to foster greater student change than public institutions in almost all areas. In addition, students become much more involved both academically and non-academically in private colleges and are more likely to implement career plans. Finally, students at private institutions are more satisfied with the quality of their instruction and with their relationships with faculty. The only areas where public institutions provide greater satisfaction are the variety of courses offered and the emphasis on social life. In short, it appears that the net result of the massive expansion of the public system and the relative demise of private higher education is that the total benefits to college students have been diluted.[4]

Additionally, a recent study at the State University of Buffalo dramatically portrays the negative impact of large size. This inquiry elicited 20 main reasons students give for dropping out of the university before completing requirements for a degree. The first mentioned was "U.B. is too large and/or classes are too large." Among the top 11 reasons, 9 related to size, impersonality, and bureaucracy, supporting Astin's evidence on the demonstrated advantages of attending a smaller institution. These causes of student disaffection could be remedied, but under present economic conditions and the academic preoccupation with research, writing, and consultation, only shocks of earthquake proportion in the large university could make undergraduate teaching, as it once was, the dominant purpose of institutional life.

The major weakness in earlier studies of size stemmed from the fact that the means of evaluating educational effectiveness were focused primarily on the cognitive outcomes of learning. No creditable educator will depreciate an institution's commitment to efforts to increase the student's knowledge and develop his intellectual skills. Most researchers on class size have, however, neglected other human traits such as the development of a system of values, aesthetic appreciation, concern for the quality of human life and emotional maturity, thus dehumanizing learning. Hence, earlier findings are not valid when the larger complex of human traits is considered. The colleges of modest size can cultivate those personal and civic traits which our stumbling society so woefully needs.

What this concern about size suggests is that the smaller institution, instead of reaching interminably for additional students, ought to set a specific enrollment goal and then use whatever resources and energies it can muster to recruit a stable student body of viable size. Additional financial resources could then be available to enhance services and highlight distinctiveness. By stabilizing enrollments at a given level, and reducing offerings to a defensible minimum, the student-faculty ratio can be kept in economic proportions. By moderately increasing enrollments, while holding faculty size relatively constant, and by keeping curricular offerings within essential limits, especially at the upper levels, the cost of operations can be reduced. Many of the small institutions offer far more courses in the various disciplines than are required for a creditable major. Last year, for example, one struggling college in the Northwest with a student body of 425 scheduled 182 classes with five or fewer students. Even if there had been an adequate income from non-tuition sources to offset the consequent expense, maintaining such an extravagant program would really constitute a misuse of funds.

Some colleges I know which earlier were in financial trouble have begun functioning on this basis for several years. With careful planning and a stabilized enrollment, they are now operating on balanced budgets or surpluses. More importantly, their success in doing this had added materially to their ability to attract additional support especially among corporations and individual business men who have confidence in fiscal stability.

THE PRODUCT MUST BE MARKETED

In fixing a realistic enrollment goal, dynamic institutions may seek some additional students of suitable aptitude. To do this, the institution of modest size will to be sure offer programs that because of their inherent merit will attract potential students and benefactors. In the shrinking highly competitive academic market, that will not be enough. Emerson's aphorism that, "If a man can make better church organs than anybody else, you will find a hard-beaten road to his house, though it be in the

woods," even if true in 1855, is misleading advice today. As the revealing current television program "Fight Back" shows, in our advertising-surfeited society, an inferior product well marketed will usually sell better than a good one poorly marketed.

Members of the academic society commendably discountenance cheap commercialism. There is nothing objectionable, however, in bringing a superior educational product to the attention of prospective students able to profit from it. Indeed, not to do so may be socially irresponsible. Many of the private colleges, especially those with a religious orientation have not, as effectively as they could, impressed potential patrons with the special benefits they have to offer. Hence, private colleges often place themselves at a competitive disadvantage with local community colleges and with state universities which now carry on professionally designed recruiting campaigns even far beyond their taxpaying constituencies. Many private institutions already have among their trustees qualified persons in business who could help in designing an effective marketing program. Too, the faculty often includes competent, academically qualified marketing specialists. Resourceful institutions will advisedly use all available services to sell their produce to the proper clientele.

STUDENTS VARYING WIDELY IN ACADEMIC ABILITY WILL HAVE TO BE SERVED

Socially-minded institutions will critically examine the concept of "a proper clientele" in relation to idealized admission standards and traditional recruiting practices. All educational institutions understandably try to attract as many high school graduates as possible who stand in the top levels of their classes. Fortunately, though the percentages vary for a variety of reasons, every college attracts *some* students with very superior high school records and aptitude test scores. Teachers in the various disciplines will properly make every effort to attract these students and to stretch them to the highest level of their potential.

However, in this hour, everyone in the academic community (except those in the most selective) must recognize that the large majority of their students will *not* be found in this preferred group. Even in the heyday of abundant applicants, Humphrey Doerman, now president of the Bush Foundation, in a study of the number of colleges and universities, their standards of admission, and the available high school graduates in top levels of scholastic aptitudes, demonstrated conclusively that many institutions which spent considerable energy and money in pursuing the upper 10% or 15% were doomed to disappointment. His conclusion today, when there are just not enough students in those categories to fill the hoped-for quotas, is even more valid.

This inference is supported by figures from the Educational Testing Service which provides some indication of the number of high school graduates in various categories of ability who might in any one year be candidates for admission. In 1980, the *average* scores on the Scholastic Aptitude Test of seniors was 424 on the verbal and 466 on the math sections. In estimating enrollments, these figures must be conditioned by two considerations. First, a disproportionate share of those with high scores will continue to be drawn off by selective institutions. Second, since about 50% of the age cohort now attend college, efforts to increase enrollments will have to be based on an institutional willingness, indeed determination, to accept students below the average of their present matriculants. Faculty members must face this fact realistically, because deeply imbedded attitudes and teaching procedures will have to be modified if these new students are not to end up as dropouts. Moreover, if the bottom line of financial well-being is to be preserved, a larger percentage of matriculants must be held into the junior and senior years where at present many small classes decrease the student-faculty ratio and thus increase the unit cost of instruction.

Whether the admission and effective instruction of students in the third, fourth, or even the fifth of ability groupings is academically and socially justifiable can only be determined by realistic answers to two questions:

1. To what degree are lower ability students educable?

2. What is the proper function of the total enterprise of higher education in a democratic society?

On the matter of educability, sensitively controlled research conducted by Professor Bloom at the University of Chicago, and his associates elsewhere, demonstrates conclusively that learners who score below the average on ability tests can *under suitable conditions* achieve satisfactory and sometimes superior academic records. Two conditions, however, must prevail if the levels of their achievement are to be raised. More time must be provided for the slower learner to master intellectual tasks. To do so he must also have individualized help with given learning exercises. Summarizing a number of studies of the relation between aptitude and achievement, Bloom says:

> . . . it is an easy step to some notion of a causal connection between aptitude and achievement. The simplest notion of causality is that the students with high levels of aptitude can learn the complex ideas of the subject while the students with low levels of aptitude can learn only the simplest ideas of the subject.
>
> Quite in contrast to this is Carroll's (1963) view that *aptitude is the amount of time required by the learner to attain mastery of a learning task*. Implicit in this formulation is the assumption that, given enough time, all students can conceivably attain mastery of a learning task. If Carroll is right, then learning mastery is theoretically available to all, if we can find the means for helping each student. . . .
>
> We are convinced that the grade of "A" as an index of mastery of a subject can, under appropriate conditions, be achieved by up to 95% of the students in a class. . . .[1]

On the matter of social justification, *our* open-door policy, in contrast to European systems where until very recent years below 10% of youth were admitted to any form of higher education, has increased the proportion from 1 in 25 in 1900, to 1 in 2 in 1980. It is generally accepted that an open society like ours, the individual as a matter of principle deserves the opportunity to develop his potential to the fullest for his own benefit. But a much larger question of social policy is involved. Undeveloped individual aptitudes constitute a flagrant social waste. Those of less than superior academic records often give exceptional service to society. Evidence of later highly distinguished achievements of alumni with even mediocre undergraduate records emerged in a study of 25 graduates of 40 small private liberal arts colleges. Identified by their presidents, these graduates authorized access to their academic records. The group of a thousand men and women included such eminent persons as Dean Rusk, Melvin Laird, Alfred Lunt, noted scientists, clergymen, and corporation executives and others of equal national stature. As could be expected, a large percentage of these graduates had achieved very superior academic records. The relevant fact here, however, is that many fell in the "B" or even "C" category. Obviously, these findings do not permit the inference that grades do not count in success in life. Rather, they mean that other qualities do. They also mean that there is a great reservoir of persons in our society who have talents that merit development for their own and the public good.

Reduced to practical terms then, the institution which admits a proportion of initially mediocre applicants and provides the personalized treatment required for the full development of their latent abilities, will be discharging a high social responsibility. Conversely, it may be considered morally reprehensible for institutions to accept large numbers of students of previous mediocre achievement and because of inadequate or ineffective teaching force them to drop out. With clear goals, sound teaching practices, and a concern for the holistic development

of the individual at all levels, many institutions can not only gain an adequate student body, they can enhance their contribution to a society which urgently needs citizens whose potential is fully exploited.

If more students are needed to maintain viability, another considerably new clientele can be found in the age groups above twenty-two. The demands in the work force for more highly educated personnel need no extensive documentation. Movement vertically in a given establishment or laterally to another is facilitated by both specialized and general education even among those who already hold degrees. Already some institutions are serving large additional contingents of the already employed, wives whose families no longer require supervision, and other persons who merely want to come intelligently and informedly to grips with the enormously complex problems of personal and civic life. Thus, the enterprising institution will be able to increase its public service, make more economical use of its resources, human and physical, and achieve a larger community appreciation. The smaller private institution in towns of modest size without nearby large universities can make a peculiar social contribution by serving this older age cohort.

THE CRUCIAL NEED FOR A MORE EFFECTIVE GENERAL EDUCATION

Today the most widely discussed subject among faculties is general education. One prediction I feel confident in making is that these discussions will continue and intensify throughout the eighties. Indeed, if any substantial change is to occur in undergraduate education, it will be in the redevelopment of general education in the liberal arts tradition.

After a long and deep review of institutional activities and the relevant professional literature, the Carnegie Commission perceptively declared general education at present to be a "disaster area." Webster's *New Collegiate Dictionary* defines a "disaster" as a "sudden, calamitous event or misfortune." This statement connotes an outside force or development. But it would be seriously misleading to infer from an observation of the chaotic conditions that now prevail that the academic community has been struck by outside forces over which it had no control. Before any good results of the efforts to educate youth (and others) more broadly can be achieved, there must be a broader consensus in the academic fraternity that providing a sound liberal education is the first order of business, not some modest activity tacked on to the dominant specialized professional programs offered by the several disciplines. The likelihood that the necessary radical change of purposes can be gained in the smaller independent colleges is incalculably greater than in the large public or private universities. But if the former are to achieve this desideratum, they will have to define their own purposes and create their own programs with less regard for the policies and practices of the latter.

On this occasion, there is not time to review the imaginative and promising efforts initiated in the thirties and forties[4] by a host of academic leaders, highly qualified by ability and position such as James B. Conant, president of Harvard University, and Robert M. Hutchins, president of the University of Chicago. Suffice it to say that following the Soviet launching of Sputnik in October 1957, the philosophy of specialism regained supremacy and the general education of students for effective citizenship and an informed personal life became matters of secondary consideration. Although higher education cannot be solely criticized for the present social disarray, any objective observer of contemporary life must conclude that the large increase in college attendance since the end of World War II has not been reflected in a larger involvement of citizens in the political process or, except in the material conditions of life, in an enrichment generally of the human enterprise. The concern of citizens of wide differences in social status, and their avid purchase of publications dealing with personal and civic problems, testify to the need for an education that is academically broader, more relevant to the issues and problems of the day, and concerned with human traits beyond the narrow limits of cognitive learning.

How the needed reforms are to be accomplished is a subject too extensive to be treated here. But one observation is incontestible. The changes that have thus far been publicized constitute, in the main, mere tinkering when what is urgently needed is a basic reconstruction of the entire curriculum. Essentially, the currently prospective changes represent a reversion to a form of academic distribution inaugurated after the turn of the century to correct the defects of the elective system. Most recent reform efforts are mired in the philosophy that the primary purpose of undergraduate education is the laying of the groundwork for advanced specialized and professional instruction in limited areas of knowledge.

Those institutions which are sincerely interested in the more comprehensive education of youth that will prepare them to live a more informed, well-reasoned life will begin by re-evaluating their goals and restructuring their instruction and campus life to meet the urgent needs of our age, and time is of the essence. Institutions which take such steps will be more likely than others to attract the support of the foundations and other branches of the citizenry which are earnestly seeking concrete evidence that genuine reform than has been observable is likely to result from the projects they support related to general education.

THE SPECIAL FUNCTIONS OF THE CHURCH COLLEGES

I wish now to turn all too briefly to the special opportunities available in the church-related liberal arts college. Those concerned about the well-being and the future of these institutions can profitably read a forthcoming report by Meeth and Duff when it makes its appearance and another by a research group associated with the Lutheran Church in America. The Lutheran study is especially instructive because it includes the use of an elaborately detailed inquiry among various groups related to the Lutheran Church into the nature of spiritual commitments and an appraisal of their embodiment in the life of Lutheran college campuses. An older study done by Robert Pace for the Carnegie Commission, reported under the title *Education and Evangelism*, also provides illuminating information about differences between church colleges and those he calls mainline institutions.

One particular observation about church-related institutions is concerned with support among their own constituencies. The various religious denominations, and even the synodical divisions within them, vary significantly in the financial support they provide to their own colleges and universities. Some years ago a study of Lutheran institutions revealed that the annual *per capita* support of constituent groups to their own colleges varied from a few cents to many dollars. This is not the occasion to analyze the forces at work in the inadequate support of church-related institutions of higher education. Unquestionably, however, the unwitting or deliberate secularization of goals, faculties, and programs has alienated some individual and corporate church support. The serious long-run effects of falling support are an inadequate supply of clerical and lay leaders, and the eventual attenuation of the spiritual quality of the entire society. The internal consequences of inadequate church support are a paling of institutional distinctiveness, which most students of drawing power consider the one most forceful attractions of the church-related institutions. Most observers believe that without this, prospective students may see little difference between the character and quality of life on the less expensive public, and the more costly church-related, campus and therefore will choose the former which often offer other advantages. The objective evidence is conclusive. As a group, the colleges with a clear religious commitment and strong denominational support are faring better than those with ambiguous goals and indifferent support. Church support on the one hand

and institutional religious commitment and practice on the other appear to be reflexly related.

A review of the relevant literature and a long association with a great many church-related colleges in the main denominations, as well as a deep personal interest in them, causes me to urge a clearer definition of their special purposes. Those who have seriously studied the church-related establishment—even some who profess no religious beliefs—are agreed that it will best assure its survival by an explicit declaration of its church relationship and a concrete realization of its spiritual commitment. Moreover, there is substantial agreement that in these days of consumer sophistication with its more discriminating evaluation of the product, mere rhetoric will in the long run be counter-productive. What this means is that religious purposes must find expression not only in the classes in religion, but throughout institutional life.

AN EMPHASIS ON VALUES

A proper education in a church college will embrace particularly the matter of values, the reasoned convictions which give direction to and energize moral commitments, and provide stability in a personal life and in the larger society. The smaller liberal arts colleges can, if they will, provide the type of program and teaching required to meet the imperative educational needs of our time. They can also restore humane learning to the dominant position it once occupied in the British intellectual tradition from which our system of higher education sprang.

A reconsideration of values in relation to the purposes and programs of higher education will engage the attention of members of the academy, and indeed a host of thinkers in all walks of life far into the future. The subject deserves much deeper and intensive treatment than is possible here. Consideration of the responsibility education has for the clarification of the values by which human beings consciously or unconsciously give direction to their lives has been treated by serious thinkers since the days of Plato and Aristotle. A vast literature on the subject has appeared since the end of World War II. I, myself, have prepared a modest bibliography on the subject and summarized the main arguments for returning to a consideration of the place of values in higher education in a monograph entitled, *Values, Liberal Education, and National Destiny*, The church-related college has a special responsibility, indeed an obligation, to reconsider the relation between the subject-matter substance of learning and its implications in regard to the value systems by which individuals and societies direct their lives. Increasingly, young people will be drawn to places of learning where these matters which so acutely impinge on their lives are given a central place in the entire range of experiences one has in an academic community.

GOVERNMENTAL SUPPORT OF INDEPENDENT INSTITUTIONS

The future of the independent sector will be considerably influenced by the policies of the federal and state governments. An examination of past policies reveals that some turn out to be beneficial and others detrimental. Because of the recent establishment of the federal Department of Education, at this moment in our national life this is a matter of special importance. The election of a president who has declared his concern that the traditional local initiative and management in education be preserved suggests that his administration will favor legislation and executive policies designed to prevent their further erosion. Experience in the executive branch of the government causes me to state with some confidence that if governmental activities and influence are to be kept within acceptable limits, those who represent the independent in stitutions will have to observe with unsleeping vigilance all proposed federal legislation and executive orders from the Department of Education. When they see governmental actions even as potential infringements on their independence, they will have to take collective aversary action.

Especially since World War II, experience has demonstrated that direct government assistance for specific services inevitably involves, at the least, compulsory burdensome and expensive compliance procedures, and at worst, external controls of internal policies and practices. The type of federal or state aid to education which involves the minimum danger to institutional autonomy is financial assistance directly to the student. Closing the gap between the cost of attendance at a public and a private institution, also guarantees the democratic right of the student to attend a college of his own choice. Studies have shown that some students attending a state university would, if the fees were equalized, choose a private college or university, including those with a religious orientation. Thus, these institutions would be able to sustain their enrollments at suitable levels while preserving their denominational beliefs and commitments. The students' choices of a type of higher education would not be dictated by economics, but rather in accordance with their own religious preferences. A former president of an Illinois college with a traditional religious orientation has stated that without his state's generous financial aid to students, which has been $1,800 but may be raised next year, his institution would probably have had to close. This type of government assistance has the advantage also among church-related institutions of not becoming entangled in the proscriptions of the First Amendment.

In closing, I wish to reaffirm the conviction that with a clear vision of purpose, a vigorous pursuit of financial and moral support, and a circumspect designing of programs, the independent sector can survive, yes, prosper into the invisible future. It can rightly acclaim its peculiar enrichment of the life of the individual citizen, and of the well-being and strength of the nation. The circumstances of our national life today require a constantly reiterated delineation of the merits of our dual system and the specific social advantages it provides. I applaud the executive officers who constitute the members of the American Association of Presidents of Private Colleges and Universities. I urge other presidents, especially those whose institutions which at present may have no serious fiscal problems, to join this organization in efforts to preserve and enhance the services of the family of independent colleges and universities.

SOURCES

[1]Carnegie Council on Policy Studies in Higher Education, *Three Thousand Futures*, San Francisco, Jossey-Bass, 1980, p. 118. This encyclopedic volume ought to be read by all those involved or interested in higher education. For policy makers, it is imperative.

[2]The Carnegie Council Series, *Three Thousand Futures*, Jossey-Bass, San Francisco, 1980, p. 15.

[3]*Ibid*, p. 47.

[4]Alexander W. Astin, *Four Critical Years*, San Francisco, Jossey-Bass, Inc., 1977, p. 294.

[5]Benjamin S. Bloom, "Learning for Mastery," *Evaluation Comment*, 1:2 (May 1968).

[6]For a fuller treatment of earlier such efforts and their abortion, see my *General Education and the Plight of Modern Man*, available upon request.

"The Future of Higher Education from the Perspective of a Corporate/Foundation Executive"

by John T. McCarty
Vice President, Corporate Public Affairs, Adolph Coors Company

Presently Vice-President of Corporate Relations at the Adolph Coors Company (Golden, Colo.), Mr. McCarty holds his B.A. in business administration and liberal arts from the University of Michigan. After serving in the South Pacific area as a combat medical and surgical technician during WWII, he finished college and joined General Electric in 1947. During his more than 15 years with General Electric, he held various positions for the company's Plant Community Relations Department, Group Relations, Employee Union and Community Relation Operations and Business Education in Schenectady, Syracuse and New York. In 1965 he became assistant to the president of Rockford College (Rockford, ILL.) and in 1973 became assistant chancellor and then vice-president, Pepperdine University (Malibu, CA). He has worked with AAPICU (1969—77) as executive director, and continues to consult in business, foundation, education and media fields nationally. Mr. McCarty is author of many articles and the book: *Community Relations for Business.*

I appreciate the opportunity to return to Scottsdale and address the members and guests of the American Association of Presidents of Independent Colleges and Universities.

The topic assigned is the future of higher education from the perspective of a corporate/foundation executive. I will respond to the subject; but first, I would like to offer my perspective on the mission of a college and university.

I was working in the Defense Electronics Division of the General Electric Company in Syracuse, New York when the Defense Education Act of 1958 became the law of the land.

Overnight, Sputnik had reversed the long-held opinion that the federal government should stay out of education. For years, the giants of American education had resisted the attempts of the federal government; but the urgent need for cash compromised the current class of college administration following Sputnik.

In 1960, I met John Howard, who had just become president of Rockford College. He was attempting

> to deliver on the College's central purpose: to educate students for responsible, affirmative and productive citizenship in a free society. In seeking to understand the nature of the free society and the obligations free citizens need to accept, we came to recognize that capitalism is the only economic system compatible with political liberty. Certain policy decisions for the College derived from that perception. For example, a college which looks to the federal government to meet its financial needs is going to have a difficult time convincing its students that self-reliance and private enterprise need to be governing principles in the life of a free and responsible citizen. Thus, we adopted a firm college policy of avoidance of all programs of federal aid, and in 1961 we organized a group of college presidents to urge the Congress not to engage in massive federal subsidy of education.

This Association mobilized the only true intellectual holding operation on behalf of higher education without the support or cooperation from the giants.

When the Higher Education Act of 1965 was enacted, I had just concluded that the future of America could not be defended, protected, or continued by either big companies or big universities. Thus, I resigned from General Electric to join John Howard in our crusade for freedom. I met many of you then, and we began our defense.

What is the mission of a university? Jeffrey Hart, professor of English at Dartmouth College, tells us:

> The history of academic institutions has a periodic character. An historical cycle in a college or a university begins with an idea, an institutional inspiration, a consensus. Then that consensus becomes routinized. In the course of time, the institution experiences a loss of energy, a sense of fatigue. Those involved begin to forget just what it was they were supposed to be doing. These cycles in higher education seem to last about forty or fifty years, and when a cycle comes to an end, the college or university must recover that sense of inspiration and re-invent itself.
>
> American colleges and universities in the beginning were mostly designed to produce Protestant clergymen, and the curriculum was naturally designed to that end. In their next phase, they were supposed to produce statesmen capable of administering a republic, and citizens capable of understanding the requirements of that enterprise. Next, colleges and universities understood that they were to produce businessmen-citizens, and, with the elective system as introduced by President Eliot of Harvard, the curriculum began to shiver with a sense of intellectual uncertainty. Was "customer choice" a satisfactory principle of course selection?"

Phillip F. Lawler, managing editor of *Policy Review* and former editor of Princeton University's magazine *Prospect,* reminds us:

> Princeton, like Harvard and Yale before it, was established as a religious school—almost a seminary. But unlike Harvard and Yale, Princeton kept its religious identity very much intact even into the 20th century. In 1928, when the University Chapel was built (the previous chapel having been destroyed by fire), a faculty committee refused to okay the architect's plans until he had included a prominent bas-relief that depicts Christ the King, sitting in triumph to rule over the campus. From Reverend John Witherspoon (who signed the Declaration of Independence) to Robert Goheen (currently U.S. Ambassador to India), every Princeton president was either an ordained Presbyterian minister or a minister's son. And the Dean of the Chapel was a fully vested member of the administrative hierarchy, with the same powers as any other dean.

WHAT IS THE PURPOSE OF A UNIVERSITY?

The Rockefeller Foundation funded a survey by 32 scholars, professionals, and businessmen, which was published by the University of California Press and is titled "The Humanities in American Life." The main conclusion reached is that primary and secondary schools need a "coherent philosophy of education." The report also concludes that "more money or students is *not* the answer—rather, a renewed commitment to the importance of the humanities to education and to society."

However, the most revealing statement about the failures of higher education is contained in an article in the 1980 November *Harper's* by, of all people, Senator Daniel Patrick Moynihan.

Are you ready for this? Moynihan says the real culprit affecting higher education is the federal government, with its strangling rules, regulations, and reporting requirements. Senator Moynihan writes,

> The National Defense Education Act resolved the long-standing dispute over federal aid to higher education, a dispute conducted along traditional liberal-conservative lines. Following the launching of Sputnik, a conservative Eisenhower administration proposed such a program, and a liberal Congress, with many variations of its own, enacted it. Higher education appeared to have won a victory, and had done so; but, I argued in my 1959 article, there was a cost.
>
> The provisions of the act had three notable features. First, the principal benefits went to students, rather than institutions. Second, for all the talk of major research universities, institutional benefits were provided for many schools, following the dictates of Congressional politics rather than being concentrated on the large research centers. Both these patterns have remained permanent.
>
> Third, the act instituted a loyalty oath and affadavit for all beneficiaries, and a particularly odious one at that, although it was later revoked. For the first time, belief, as against overt action, was made grounds for governmental sanction of withholding benefits.
>
> But the most significant aspect of the NDEA was that the universities themselves played no significant role in either its conception or enactment. It was an act of state done for reasons of state.

So much for Senator Moynihan. In contrast to "state" actions, I want to recognize some individuals and institutions who choose principle over political expediency: University of Georgia professor James A. Dinnan who chose jail rather than reveal his vote on tenure for a colleague. In my own community of Littleton, Colorado, Roger Lockhart, a high school teacher, was fired because he refused to accept mandatory hall duties. Lockhart was judged by students and faculty as an outstanding teacher of highest character, whose credo is "students should be responsible for their own behavior." James Stockdale resigned as president of The Citadel "over conditions that I believed to be detrimental to students and unfair to faculty; conditions with which I did not wish to be identified."

You are all familiar with the private institutions of higher education who have taken stands, on behalf of principle, against the federal government. Most of these institutions are represented in this room today; Rockford, Pepperdine, Hillsdale, Brigham Young, Grove City, Hanover, and the entire membership of AAPICU.

This stand is refreshing to some individuals, foundations, businesses, and industry, and I commend each of you.

Compare the courage, actions, and integrity of AAPICU members with the presidents of other universities quoted by Senator Moynihan again:

> Thus, on February 1, 1979, the executive committee of the Association of American Universities was summoned to the White House. The presidents of seven major universities, including Purdue, Iowa, Stanford, and Indiana, were greeted by six senior administration officials: Vice President Mondale, presidential science adviser Frank Press, presidential domestic-policy adviser Stuart Eizenstat, education aide Elizabeth Abramowitz, Commissioner of Education Ernest Boyer, and Assistant Secretary of HEW Mary Berry. They were told in explicit terms that the president was committed to the Department of Education and they were **not** to oppose it if they did **not** want their own programs cut. They **did not oppose.**

Almost a quarter century ago, the University of North Carolina Press published a study by Professor Floyd Hunter entitled, "Top Leadership, U.S.A." It is a good study, so far as it goes, and I commend it to you. The point I want to make about it here, though, is where the study started.

Professor Hunter didn't go to "Who's Who," "Dunn and Bradstreet" or the social register to start his study. He reasoned, quite correctly, that if you wanted to know what individuals exerted the greatest influence on community, state and national affairs, the most logical place to begin asking questions was among the organizations through which their influence was extended. And so he came to some of you sitting right here in this room, and he asked your opinion about who you thought was most influential in public affairs.

Had I been Professor Hunter, I think I would have stuck around a little longer to study you and the institutions you direct before moving on to the individuals whose names more often make the headlines. Influence, after all, is strictly a two-way street—and while these leaders undoubtedly exert influence on you and through you, there is no question but that you also exert influence on and through them, too. **You influence the influencers.** Whether businessmen, legislators, or educators—Top Leadership, U.S.A. depends on public opinion for many of the key factors on which they base their judgment.

What you say and what you do—how well you say it and how well you do it—has a direct bearing on the political and economic—yes, and the moral—climate in which we businessmen must conduct our business operations. For this reason, I have always been a strong advocate and supporter of private higher education, and would like to outline a credo which attempts to spell out a businessman's responsibilities to colleges and universities and their corresponding responsibilities to business.

WHY SHOULD BUSINESS AND INDUSTRY SUPPORT PRIVATE COLLEGES AND UNIVERSITIES?

I believe we should support private colleges and universities for one overriding reason—to contribute our share necessary to achieve specific goals of a company and of a free society which can be accomplished *better* by colleges and universities than by the company alone.

In sum, private colleges and universities should be regarded as *supplementary services engaged out of company funds to help extend and multiply corporate effectiveness,* as well as contributing to the preservation of a free society.

HOW CAN BUSINESS HELP PRIVATE COLLEGES AND UNIVERSITIES?

The quality of help they give will depend heavily upon the quality of the relationship business develops with them. This should be a two-way, something-for-something relationship resulting from business fulfilling their expectations and vice versa.

WHAT SHOULD PRIVATE COLLEGES & UNIVERSITIES EXPECT FROM BUSINESS?

These institutions should expect business:

A. To bear a fair share of financial support based upon an informed appraisal of the value of their current and potential work.

B. To encourage their best qualified employees to serve, when invited, on boards of trustees and to volunteer to meet with faculty staff and students as needed.

C. To appoint a knowledgeable and interested individual as a continuing liaison between the company and the institution.

D. To keep informed on and understand the institution's objectives, policies and programs and to see that other executives in the company are similarly informed, particularly in the area of their specific interests.

E. To submit periodic recommendations or suggestions for future policy and program development of the institution.

F. To help establish and maintain up-to-date mailing lists so that the institution's publications and reports will benefit company individuals.

G. To assist in the implementation of the institution's policies and programs by providing the necessary leadership when called upon to do so.

H. To encourage appropriate employees and other employers to attend and participate in important meetings, workshops, or seminars sponsored by the institution.

I. To supply technical advice in those areas where business has special knowledge and skill.

WHAT SHOULD BUSINESS EXPECT FROM PRIVATE COLLEGES & UNIVERSITIES?

Business and education have been partners for many years. It has been a satisfying and rewarding partnership, with business collecting from customers and paying to local, state, and federal governments more than 50% of all taxes levied for educational purposes. In the past, business has looked to education to furnish it with graduates who have been schooled in attitudes and habits, in addition to training in the basic knowledge and skills necessary to seek careers in business.

I believe business should expect certain desirable characteristics, personnel, and attitudes from these institutions. Business should look for certain desirable qualities in the people who guide and staff the institutions they support. Most important, business should look for specific attitudes prevailing toward their work.

A - Institutional Characteristics -

I believe that (1) the institution should fill a definite need for students, faculty, and a free society. Goals should be clearly stated in terms which can be equated with a free society.

(2) The institution should have a clear charter outlining its purpose, objectives, and scope.

(3) The institution should have a consistent ideology. The goals adopted and the methods used to achieve them should seek academic excellence by adhering to free market principles; encouraging less centralized government; discouraging undue government intervention.

(4) The institution should plan, implement and audit its program in keeping with best current management practices. There should be a written plan of work for nine months to a year ahead in which each unit of work is clearly related to organizational goals; an annual appraisal of budget and goal realization, followed where necessary by a revision of policies and fiscal management, an adjustment of personnel, a reallocation of responsibilities.

(5) The institution should be prudently managed. Operating *costs* should *not* be excessive in terms of services rendered and should be fairly apportioned among faculty, staff, and students. Operating funds should be divided between academic expenditures and expenditures for administration. The budget and accounting system should contain all necessary safeguards for the receipt, custody and disbursement of funds. Financial records should be available for inspection. A reputable method of fund raising should be employed which is not excessively expensive in relation to funds applied to the institution's work.

B - Personnel Characteristics -

I believe that (1) the governing board should be composed of competent persons elected to limited terms of office through *democratic* processes and who serve without compensation; should perform continuous and useful work in formulating policies and plans; should maintain an active advisory relationship with the administration, faculty, students, and alumni in the execution and evaluation of the institution's program; should be ideologically oriented toward private competitive enterprise and *democratic* government (lower case "d"!).

(2) The staff should be ideologically oriented in a similar manner and have goals which are in consonance with the views of the trustees; should concentrate undivided loyalty and attention on the program of the institution which employs them; should be able to organize, plan, direct, and measure the work for which they are responsible; should display imagination, initiative and vigor in pursuing objectives; should be especially competent in working with people and in pursuading them to a given course of action; should keep themselves constantly informed in their fields and report trends and development quickly and accurately to the constituents; should concentrate on programming rather than fund raising, unless specifically employed to perform this specialized function.

(3) The president, in addition to possessing the foregoing characteristics, should be skilled in laying out the work to be done by others; of sufficient stature to be able to influence leaders in other areas of public life on an equal footing; should be recognized as the foremost scholar of the institution.

Let me suggest some names to illustrate the kind if individual attitudes I believe to be vital to the success of the institution: John Howard, Rockford College; Donald Cowling, Carleton College; Frank Sparks and Byron Trippet, Wabash College; Don Phillips and George Roche, Hillsdale College; Gordon Chalmers, Kenyon College; Ernie Wilkinson and Dallin Oaks, Brigham Young University; Sherry MacKenzie, Grove City College; John Horner, David Andrews, Rolf Weil, Norman Wiggins, Stan Drake, and each of you in this room who put personal and institutional principle ahead of political priority.

My own belief is that the mission of a private college or university is:

1. to determine its unique purpose—its reason for being;

2. to improve its strengths and correct its weaknesses with periodic audits;

3. to select the necessary trustees, faculty, and staff needed to graduate students committed to the survival in a free society.'

Private colleges, like all private institutions, can exist only as long as private citizens allow them to exist. As a former educator now in business, I work continually to encourage a continuing partnership between business and education in hopes of maintaining the free society.

GIFT TAX CREDIT

I want to close by suggesting a simple solution to the financial problems confronting most private colleges and universities. In 1967, under the leadership of John Howard, this association prepared a net tax credit plan for financing higher education in America. I believe it is an idea whose time has come. Here is how John Howard explains the plan:

Suppose federal legislation has enacted a bill providing for a tax credit which the taxpayer receives for a gift to any bona fide college or university, public or private. The first time this recommendation was presented in Committee hearings, President Kennedy's omnibus bill for education was under consideration. It was our position that if the government was determined to invest a certain amount of tax money in supporting higher education, it would be far better to distribute such funds through the mechanism of a tax credit for gifts than in the form of grants and scholarships. According to our calculations, a tax credit for an individual in the amount of $100 and for corporations in the amount of $5,000 would have delivered about the same volume of funds for higher education as the omnibus bill.

How does the gift tax credit work? The individual citizen calculates his income tax and then, only if he wishes, he may write a check for $100 to send to the college of his choice, and he pays the balance of his taxes to the Internal Revenue Service. If you owe $1,000, it would still be $100 for the college, and the government would get $900.

The advantages to this system are many. First, there is virtually no overhead. You send a $100 gift to your college and they send you a receipt which is submitted with your tax form. There is no need for all those bureaucrats in Washington to process grants one direction and a comparable number of people on the campuses to process the grants back in the other direction. There is no Constitutional problem on the church-state issue: gifts to church-related colleges qualify for deductions under the Internal Revenue Code. Furthermore, each college would be free to spend its gift revenues according to its own judgment. And that makes sense, because the priorities at any given moment will vary immensely from one campus to the next. There would be a tendency for the tax-credit gifts to be distributed in proportion to the population concentration. Most people would rather help a nearby college, public or private, than send their taxes to Washington, where a big bite is taken out for overhead before money goes off to some undesignated destination. The smaller colleges would have a chance to compete for their fair share of these funds by appealing to their neighbors and their alumni, whereas they seem to be at the end of the line in lobbying for government largesse under the present system. Finally, the tax credit is a legitimate procedure which both the Congress and the Internal Revenue Service have long accepted for promoting business expansion. And recently, a tax credit was incorporated into the laws governing contributions for political campaigns. Is education of less importance to the nation than politics and business?

In conclusion, I want to thank you for inviting me to return and meet with you again. You know I believe that business and education have an on-going partnership. I have tried to outline the specific responsibilities and the expectations of both groups. I will continue working toward that partnership, particularly with those institutions who have taken the time and the trouble to determine the specific role of their institution in order to graduate students who are able to survive in the free society. Thank you very much.

SOURCE

[1]by Eric Hofer See chapter 28 of The True Believers

"The Personal Challenges of the College Presidency"

by Hudson T. Amerding

President of Wheaton College (Wheaton, Ill) since 1965, Dr. Armerding holds a B.A. in history from Wheaton, M.A. in international affairs from Clark University (Worchester, Mass.) and his Ph.D. from the University of Chicago. Former president of the National Association of Evangelicals, he is president of the World Evangelical Fellowship, an organization which promotes cooperation among evangelical groups. He was formerly on the U.S. Council of the Overseas Missionary Fellowship. Prior to his present position, he was provost of Wheaton, dean and acting president of Gordon College (Wenham, Mass.) where he also taught history.

I SPEAK to you as one who has been privileged to invest a lifetime in higher education. In 1939, as an undergraduate, I became an assistant to a professor of history who shortly thereafter became president of the College. Immediately after the Second World War, I was invited to teach at my alma mater while completing my graduate studies. I have since then, except for one year, been actively involved in teaching and administrative work at the college level.

After a decade of administrative responsibility at another institution, I returned to Wheaton to resume what I thought was a career in teaching. After three semesters, however, I was once again in administrative work as Provost. Then in January of 1965 I assumed the presidency of Wheaton College. It is from this background that I have gained some reflections on the personal challenges of the college presidency.

You should also know that throughout my career I have been involved in Christian higher education. My understanding of this kind of higher education is that all aspects of it are informed by the truth of the Holy Scriptures. This applies particularly to the leadership of a Christian institution. It is for this reason that I have sought to respond to the personal challenges of the college presidency by seeking guidance from the principles and the illustrations to be found in the Bible. My conviction is that the teachings of the Scriptures are designed to enable us to glorify God as we seek to function more effectively as God's servants. This being so, I believe that those of us who have committed ourselves to God through faith in our Lord Jesus Christ are obliged to live in obedience to all that God has commanded. Thus the challenge that faces a Christian in the college presidency is to seek by God's grace to function in accordance with the revealed will of God, believing that this will be in the best interests of the institution being served.

With this as a context, let me share with you some reflections on the personal challenges of a college presidency. For me the first and the most immediate challenge was to determine whether I was called to serve in such a capacity. As a Christian I believe that one is called by God into the particular vocation in which he is to serve. I am also convinced that God not only endows an individual with natural capabilities but also provides special enduements for the task to which the individual is called. In addition, I am persuaded that God's calling is timed so that the individual is provided an opportunity to serve at precisely the right moment when both he and the circumstances are appropriate for the fulfillment of that calling.

As I have examined the careers of Biblical characters such as Joseph or Moses, I have seen that each man came into his leadership position when both he and the circumstances were appropriate for each other. Not only did each man need the conditioning of experience but also the circumstances needed to be right for the kind of leadership each man could provide.

One of the advantages of growing older (or, more euphemistically, more mature) is the lengthened perspective by which one can see how the events of life form themselves into a meaningful pattern to bring about the outcome I have just described. In my case, the conditions at Wheaton College in 1965 and my own preparation in the military and in previous academic and administrative experience seemed to flow together to provide for an appropriate relationship. From my theological perspective, this was God's sovereign working.

The conviction and the assurance that this provides enables one to stand the pressures and sometimes the severe disappointments that accompany the college presidency. The relatively rapid turnover in college presidencies in recent years may have been due to the fact that some in office were unprepared to face the stresses inherent in such a position. Hence, they did not feel obliged to continue because they could not identify any good reason to stand such criticism or rejection.

It is here that the Scriptural illustrations are helpful. An examination of the lives and ministries of the great personalities mentioned in the Bible makes clear that the calling of God to a particular vocation did not necessarily mean unparalleled success or unqualified acceptance. Indeed, frequently the reverse was true. Yet because the individual was persuaded that God had called him to his task, he sought for Divine help in facing the pressures and difficulties that were part of his work and was able to remain faithful to his calling.

ONE particularly helpful factor in the fulfilling of one's calling is the perception of a vision that constrains a leader to move toward the realization of that which he perceives in spite of intermediate difficulties, however formidable they may be. In this respect, I was inspired by the example of Moses. He was called of God to lead the children of Israel out of Egypt and into the Promised Land. This became his vision. Those of you familiar with the description of that calling and its fulfillment will remember that there were persistent challenges to Moses to give up his vision and abandon his calling. Yet because he was persuaded that he was doing the will of God, he did not yield to such pressures.

I believe that one of the major challenges of the college presidency is to perceive one's calling and to identify in that perception a vision for the institution one is called to serve. A commitment to that will not only provide a systematic approach to programs and intermediate goals but will also furnish a stability and strength to an institution because of the conviction of its leader.

Yet the leader can expect that both the concept of the vision and his commitment to it as a leader will periodically be subject to challenge. In effect, he will be asked repeatedly to reaccredit himself. In reaction to this, presidents are sometimes tempted to take refuge in the thought that if only this or that troublesome individual would leave, then there would be no more demands for such reaccreditation. Both from Scripture and from my own experience, I believe that this is an unrealistic view.

Let me once again cite Moses. Because of his capabilities and his performance he was accepted as Israel's leader. Yet regularly, when conditions were adverse, his followers were ready to repudiate him. At the time that the Egyptians were about to attack Israel at the Red Sea, this sentiment was voiced. It was repeated when the Israelites lacked food or water or were subsequently challenged by other enemies. Perhaps the most dramatic incident occurred at Mount Sinai. While Moses was up on the mountain, the people quickly turned aside from their religious ideals and repudiated the leader who had so zealously stood for these ideals. With patience and with firmness Moses was obliged to reaccredit his leadership.

I submit that the tendency to demand reaccreditation is a characteristic of followers, including those in the Christian community. Thus the college president should be neither surprised nor disillusioned when he is challenged to do this. It is here that the convictions about one's calling to his task can be of great help in providing the necessary reassurance without giving way to the understandable frustration that the demands for such reaffirmations tend to generate.

Furthermore, the recurrence of such demands can easily tempt the college president to be punitive in dealing with those who seem reluctant to be convinced of his integrity or his competency. Here again I have found the example of Moses to be extraordinarily inspiring. You will recall that after he came down from Mount Sinai he was told by God that there was the possibility of Israel's being destroyed so that Moses in effect could begin again with a new group and be vindicated as a leader. Moses' response is a pattern for the mature leader. In spite of his feelings of outrage at Israel's betrayal of their commitment to God, he offered to have himself "blotted out" so that the people might be preserved and through this the name of God honored.

This is perhaps one of the most formidable challenges of the college presidency. In my experience, what is done for a college community is not long remembered and appreciated. Yet in light of our calling it is incumbent upon us to continue to serve those under our jurisdiction and to work for their best interests.

THIS leads me to mention another of the challenges to the college presidency. Often the matter of working for the best interests of the college community is perceived as simply letting the majority have their way. In other words, the president should be more of a presiding officer than a leader and his goal should be simply the development of concensus. I do not believe this is appropriate for a true leader. Instead, even as he must be committed to the ideals of the cause to which he has committed his life, so he must also ensure that his colleagues are both challenged and dedicated to the practical outworking of these ideals. Here again Moses' action has been a pattern for me. He was scrupulous in summoning the people of God to be obedient to the Divine Commandments and did not shrink from taking necessary action to make certain that the ideals to which the community was committed were maintained. Yet the fact that there was no personal ambition on his part made the corrective action much more justifiable.

Scripture speaks of Moses as one of the meekest of individuals. In the Bible this term did not have its contemporary connotation but rather described one who was zealous to bring himself and all of those under his direction into conformity with the will and purposes of God. This Moses sought to do.

Similarly it is necessary for us to make certain that any rectification we bring about is not perceived as exploitative or giving us a personal exemption. No college president should ask of his associates any commitment that he himself is not prepared to make. That is to say, if he insists upon excellence in teaching, then his own presentations should have that same mark of excellence. If he expects his staff to fulfill their contractual obligations, he himself should be a model of this. Where he requires careful accounting of funds and other resources, he must labor to be certain that he does not take advantage of his position for personal benefit.

I have found that even in organizations having a formal commitment to high ethical standards there is constant pressure to modify these standards in favor of expediency. The college president is in a strategic position to insist upon conformity to moral and ethical ideals and to do his best to demonstrate his own personal commitment to these ideals.

He needs also to have the detachment and the vulnerability necessary to modify his procedures and to adjust to changing circumstances. When I read the story of Moses, I was impressed by the way in which he responded to his father-in-law's suggestion to delegate responsibility when it became obvious that there was a need for this. Rather than insisting upon retaining the prerogatives that were his, Moses shared these with qualified subordinates.

I have found this to be a major challenge. Either by experience or by capability, I have been able to do a particular job better than one of my associates. Yet in order to maintain my strategic role in directing the institution, I have sought to delegate as much as possible to my associates. The results can be mutually beneficial. The more this is done, the greater is the sense of shared responsibility and thus improved morale.

A PARTICULAR application of this that I have found particularly helpful is to discuss with my immediate associates the goals that I have set for the year. After we have recieved these, I ask each individual in whose area the goal is applicable to accept that goal in partnership with me. In this way the achievement of the goals for the year becomes a team effort and not simply the singular responsibility of the President.

In recommending this I do not mean to suggest the abdication of authority and thus of ultimate accountability. When Aaron failed to exercise properly the responsibility delegated to him during the time Moses was on Mount Sinai, he was subsequently rebuked and corrected by Moses but not repudiated. In effect, Moses took a risk which in this case had unfortunate consequences. Yet Moses did not abandon the principle of delegation nor did he seek to escape from being held accountable for what happened.

In my administration, I have sought to support my associates even when they have made mistakes. They have been told, however, that I expect them to avoid making the same mistake twice. This means that I am prepared to defend and to support them until and unless it is obvious that their capabilities and the demands of the office in which they serve do not properly coincide.

Related to this is the challenge of vulnerability. By this I mean the willingness to expose one's self to the scrutiny of his immediate associates and to seek to learn from their criticisms and suggestions. If one has made clear that he is committed to a set of principles and ideals, then any criticisms or suggestions that can summon him to conform more completely to these ideals is warranted.

You may remember that in the New Testament there is the account of the Apostle Peter being confronted by the Apostle Paul when Peter withdrew from fellowship with Gentile Christians. Paul reminded him that he had earlier committed himself to fellowship with Gentile Christians on the basis of Divine revelation and urged him to be true to that revelation and the experience which immediately followed it involving Cornelius and his household.

Recognizing the value of being open to the constructive criticism of my associates, I have thought it appropriate once a year to have them meet together with me for a review of my job description and standards of performance. They have been told that it is an order and not just a request that they tell me the truth about the way in which they perceive my performance. On this basis, I have received candid and helpful suggestions that I believe have been useful to me in making certain that my commitment to the ideals of Wheaton College is as complete as possible. It has also made it possible for me to conduct my appraisal and review of their performance without their thinking that this is simply a one-way street. If commitment to the cause rather than to personal advancement is really a conviction of ours, then we shall be able to absorb criticisms from a relatively disinterested perspective and as a result serve our institutions better. I have found that this does not erode my ultimate authority to make final decisions but I am convinced that many of these decisions are much better informed because of the freedom and openness created by what I have just described.

My performance is also reviewed annually by our board of trustees. On this occasion I submit a report of my performance during the year and also the suggested goals for the coming year. After responding to questions about my report, I leave the room in order to enable the board to engage in free discussion about my performance. Any criticisms or suggestions are then summarized by the board officers and shared with me.

This suggests the necessity of being realistic about our accountability. Here I have been guided by another Biblical principle: to whom much is given, much is required. Years ago I was struck with the fact that Moses was denied entrance into the Promised Land because of acting in anger in striking the rock rather than speaking to it to provide water for Israel. A superficial deduction on my part was that God was not quite fair to Moses in light of the long and distinguished record of obedience and disinterested leadership that he had. Yet the fact was that just such a record made Moses' action the more open to God's judgment.

The acceptance of this principle can help us as we face the public, the board or the college constituency on campus. The more rich and productive our experience and the greater our perspective, the more we can expect that we will be held accountable for our actions. I believe this is as it should be. For me, it means a commitment to continual growth and awareness and unwillingness to "plateau" in the administration of the College. The result is that the resource of fruitful experience becomes the basis for an even greater and more varied ministry. In effect, stagnation or regression are not options.

This is certainly true with respect to intelectual renewal. Because of the pressures of the daily schedule, such renewal is not easily achieved. After struggling with this problem for some time I determined to make some changes in my daily and weekly schedules. Except for emergencies and calls from individuals such as board members, I do not receive telephone calls before 9 a.m. Nor do I have appointments before 10 a.m. I endeavor to use these hours in the morning for study, reflection and other activities that are best pursued without interruption such as working on a manuscript. I also endeavor to reserve one-half day a week for a block of time in which to study or prepare addresses. The board of trustees have also very kindly allowed me occasional times away for intellectual and spiritual renewal.

THERE is another challenge that is particularly significant to those of us who have been privileged to remain in office over a period of years. Periodically, there is the recitation of the accomplishments of our administration. It is easy for us to take personal credit for all of this. A more realistic appraisal would make it plain, however, that what was achieved was due more to the reputation of the institution, to the faithful performance of others, or to the providence of God than any expertise on our part. Here I have found the example of Solomon instructive. He was a man who had enormous intellectual powers and substantial financial and military resources. As I assess the pattern of his life, it is evident that in time he came to believe that all of these were rightfully his. The result was an exploitation of others and an indulgence of his own passions in disobedience to God.

I am very grateful for the accomplishments that occurred during my administration. Yet I have come to recognize that taking personal credit for all of these things is not justified. One of the results of this has been the personal challenge to me to rejoice in the achievements that have occurred on other campuses. When one's commitment is to Christian higher education, I believe we can celebrate whatever it is that advances that cause whether due to personal efforts or not, or whether credit is received by us or not.

Similarly, Hezekiah took credit for his reputation that had been enhanced by his miraculous healing and his triumph over his enemies even though these events were beyond his control. Scripture says that God left him to himself to know all that was in his heart. Unfortunately, it was unwarranted pride.

Permit me this additional observation. In the Sermon on the Mount, Jesus mentioned those who prayed, fasted or gave alms in order to be seen by others. In effect, they received credit for what they had done through the recognition given to them by their associates. The Savior observed that these had received their reward in full. His point was clear. Later, at the final reckoning, there would be no more reward for them. From my perspective, the eternal rewards are much more significant than the temporal ones. If God indeed called me to be a college president, then what is significant is His ultimate commendation.

The Apostle Paul said it well:

> I have fought a good fight, I have finished my course, I have kept the faith. Henceforth there is laid up for me the crown of righteousness—.

I believe the principle of ultimate commendation applies within time as well as beyond it. What may seem an impressive accomplishment now may not be such from the perspective of the years. It is also true that what seems insignificant to a society at one time may later become one of its most treasured heritages. Surely this was true of Jesus of Nazareth and of a number of His followers. And it may be true of some in our time as well.

This fall a close friend of mine died of cancer. The last month of his life he suffered intensely. Yet he never prayed to be healed or to be relieved of the pain but only that he might learn the lesson God was teaching him through this experience. At his funeral Dr. McQuilkin, who preached the sermon, observed that some thought God had rewarded John Dunlap rather poorly after a life of devoted service. In response, McQuilkin emphasized that the suffering was not John Dunlap's reward but his final examination—and he passed it. In the eternal presence of God, his would be a substantial and an enduring reward. I submit that we do well to adopt the same viewpoint in assessing our performance as presidents.

Responding to these challenges from the perspective of a lengthened service is for me one of the most fulfilling privileges of being President of Wheaton for these nearly sixteen years.

Thank you.

"The New Public Interest Law Firms: Don Quixotes for Private Education"

by Maxwell A. Miller, Atty.
Mountain States Legal Foundation

When Richard Nixon announced his package-deal appointments, William Rehnquist and Lewis Powell, to the United States Supreme Court, he made what I consider one of his most memorable observations. "Presidents come and go" he said, "but the Supreme Court, through its decisions, goes on forever."[1] To the chagrin of those who bemoan the Burger Court's decisions, usually depending upon political outlook, Nixon's aphorism is undeniably true, and in a larger sense, an insight into contemporary society. The Supreme Court has become a secular deity. The moral force of the Court's opinions are today such that even presidents must humble themselves before the nation's highest tribual, and can ill-afford to ignore judicial pronouncements, as Andrew Jackson did.[2] Certainly incoming justices of a different philosophical penchant can reverse their predecessors. Dissenting opinions may also evolve into a majority view. But principles of *stare decisis* are not easily jettisoned, especially by institutions which at least espouse some reverance to the rule of law.

Beside the relative resiliancy of judicial edicts, the Supreme Court, through its opinions, will actually go on forever because the Supreme Court and the lower federal and state courts are deciding an increasing array of social, economic, and political issues as a matter of constitutional law. Their decisions, certainly those based upon constitutional law, often foreclose Congress and state legislatures from taking a position different from that announced from the bench. The practical effect of being governed by a bevy of platonic guardians means that there are only two theoretical methods for disagreement with the Court: (1) overruling the Court by constitutional amendment; or (2) participating in judicial decisions.

The first method, that of overruling judicial pronouncements by constitutional amendment, preserves our democratic process, but is extraordinarily difficult, as pushers of the proposed Equal Rights Amendment have learned. The second method, although making an unfortunate concession to an erosion of democracy, is, in my judgment, pragmatic wisdom. Those who wish to influence public policy, obviously including this group of private educators, must fight their battles in the courts.

In making that statement, I understand that Congress can theoretically remedy the problems it has caused. In education, for instance, Senator Hatfield has introduced an amendment[3] to the General Education Provisions Act[4] that endeavors to limit the pervasive power the bureaucrats have read into Title IX. The proposed amendment would firmly declare that direct aid to students cannot serve as a predicate for government jurisdiction over private colleges which receive no other federal aid. Small colleges, like Grove City, would be free to operate without fear of federal intrusion. Even if the amendment were to pass, however, the courts may conceivably dilute it through interpretation. In any event, the amendment is a response to feared court interpretation of Title IX and is symptomatic of my central theme—that the movers and shakers of public policy are the courts and those organizations, including law firms like the Mountain States Legal Foundation, that argue before them.

Lest I be misunderstood, I wish to emphasize that my recognition of the judiciary's role in shaping our society is not my blueprint of the way things ought to be. It is rather a pragmatic justification for public interest law firms.[5]

Within the past twenty years, the judiciary, especially the federal courts, is routinely deciding extremely complex policy matters such as: (1) the administration of public schools; (2) financing of public schools; (3) the financing of state prisons; (4) the apportionment of state legislative districts; (5) the development of public lands and water resources and the myriad of social issues such as abortion, affirmative action, sex discrimination, gay rights, and religious involvement in public affairs.

The pressure upon courts to decide these public policy issues, often in ways contradictory to positions taken by elected officials, is also enormous.

First, as has always been true, constitutional phrases like "equal protection" and "due process of law" are nebulous and lend themselves to varied interpretations. What has changed, however, are judicial attitudes to constitutional interpretation. Today's judiciary seems increasingly willing to set aside the intent of the framers or discover new rights in an old document. This "different strokes for different folks" approach to judicial interpretation is plainly advocated by many scholars. For example, Professor Edward White of the University of Virginia, has argued that "when the Supreme Court decides constitutional cases, it is justified in looking beyond the Constitution to the values of American society today."[6]

Second, the Congress, under increased pressure to satisfy more complex problems, frequently resorts to passing benign declarations of good will and leaving the Executive Branch the task of making vague and ambiguous laws supposedly workable in concrete situations. Unfortunately, the problem with Congress passing the buck is that the Executive Branch, when packed with political zealots, foists an avalanche of regulations, sometimes beyond congressional intent, upon the public. Grove City's Title IX problem is again an apt illustration. By enacting Title IX of the Education Amendments of 1972, Congress simply said that the educational institutions receiving federal funds are not to discriminate on the basis of sex.[7] No-one would disagree with that. Yet, presumably, everyone here

disagrees with HEW's Title IX regulations which purport to direct the affairs of private institutions that do not receive direct funding from the federal government.

Third, the courts have, in recent years, come under increasing pressure from public interest groups, including public interest law firms, to improvise law and formulate policy. One scholar explains this occurrence as a reflection of our changing society. He writes,

> More and more frequently, because of the 'massification' phenomena, human actions and relationships assume a collective, rather than a merely individual character; they refer to groups, categories, and classes of people rather than to one or a few individuals alone—this is not to say that individual rights no longer have a vital place in our societies; rather, it is to suggest that these rights are practically meaningless in today's setting unless accompanied by the social rights necessary to make them effective and really accessible to all.[8]

Recognizing the law as a tool for impacting societal interest, public interest firms within the last twenty years have organized themselves and have been successful in establishing policy, sometimes as a matter of constitutional law, which may not have been accepted by the electorate.

One need only glance at a list of cases brought by the American Civil Liberties Union, the Sierra Club Legal Defense Fund, the N.A.A.C.P. Legal Defense and Education Fund, and others to verify that assertion.

Some of the policy effected through law suits brought by these groups has been, in my view, beneficial. But some have promoted rather than retarded government involvement in the economy, education, land use, local autonomy, and matters of private concern. Principally for that reason, recognizing the impact groups like the Sierra Club and the American Civil Liberties Union have had on public policy, a new breed of public interest law firms began appearing in courts in the mid to late seventies. Beginning with the Pacific Legal Foundation (PLF), founded in March of 1973, these firms argued that vocal "minority" interests, such as defenders of absolute egalitarianism and the absolute pristine wilderness, too often had a disproportionately large impact on public policy. Inspired by PLF's success, like-minded individuals founded the National Legal Center for the Public Interest (NLCPI) in April of 1975 whose principal mission was to help establish and act as a clearinghouse for regional litigating centers. The Mountain States Legal Foundation (MSLF), though an independent law firm, is one of the NLCPI participants. Others include the Capitol Legal Foundation, Southeastern Legal Foundation, Mid-America Legal Foundation, and Mid-Atlantic Legal Foundation. The MSLF is the youngest but largest of the NLCPI group.

All of these factors—vague language, congressional delegation and public interest groups—have contributed to our "government by judiciary," a term coined by Raoul Berger of Harvard Law School. Professor Berger believes that our government by judiciary will in the long run severely threaten our democratic system. More appropos to the point I wish to emphasize here is Berger's recognition that "the Fourteenth Amendment is the case *par excellence* of...the Supreme Court's exercise of the amending power, its continuing revision of the Constitution under the guise of interpretation."[9]

Many articles and esoteric treatises complain about our imperial judiciary and its pervasive control of contemporary America. Those acquainted with commentary on the Court should not, in fact, find my remarks to this point insightful. What should perhaps be of some insight is that a discussion of government's relationship to education is, in my view, incomplete without an undersanding of the concepts behind the public interest law movement. The relevance of public interest law to educators, I think, is this:

(1) private education's struggle against government, as evidenced by the Title IX cases, is a mere battle of a much larger and continuing war. All aspects of private education and education in general will constantly be encroached upon by intrusive government, meaning the Executive Branch. Chief Justice Burger made a similar observation by cryptic understatement in *Lemon v. Krutzman*. He said, "The history of government grants of a continuing cash subsidy indicates that such programs have almost always been accompanied by a varying measure of control and surveillance."[10]

(2) The Republican landslide of last November 4 does not and probably can never guarantee a complete turn-about in government intrusion into private education. I acknowledge that President-elect Reagan has pledged to decrease, if not eliminate the Department of Education. Yet, he has acknowledged that the Department performs legitimate functions. He also faces stiff opposition from the National Education Association in any reformatory move he may make. The opposition, I believe, will ultimately be resolved in court.

Consider, as an illustration, the drive to secure tax credits for parents whose children attend private and parochial elementary and secondary schools. Even if successful, the tax credit plan will face serious legal challenges. Opponents of the tuition tax credit invariably resurrect arguments like those Columnist Carl Rowan made. Rowan said the enactment of tuition tax credits for private school tuition will inexorably lead to the polarization of the country. He envisioned an expansion of private schools which would "pop up" to take advantage of tuition tax credits; this measure would have "a destructive effect on public education in America, in particular, and on this society as a whole."[11]

Columnist George Will, a proponant of the tuition tax credit defended the proposal by arguing that the tax credit bill before the Ninety-Fifth Congress was a means to "use the government to nurture the diversity that the Constitution permits, diversity that the normal tendency of a large state is to suppress."[12]

The immediate irony of Will's and Rowan's arguments is that they use the same effect—that of diversity—to support opposing positions. Even more important is the fact that these arguments—policy arguments—are not dissimilar to those made in other education cases. In *Lujan, et al. v. Colorado State Board of Education.*[13] the plaintiff, represented by Colorado Rural Legal Services, argued successfully at the state district court level that Colorado's system of financing public education creates a disparity between rich and poor school districts. Notwithstanding the United States Supreme Court's decision in *San Antonio v. Rodriquez,*[14] the state district court ruled that the funding levels of rich and poor districts must be substantially equal. One basis for the ruling which provided the distinction from the *Rodriquez* case was a judicial finding that education under the Colorado Constitution is as a fundamental right. That means in Colorado, and presumably other states with similar language in their constitutions, citizens are entitled to an education at public expense. That invariably means a strengthening of the government's monopoly over education.

Another education case in which egalitarian policies became law is the Fifth Circuit Court of Appeals decision in *Doe v. Plyer.*[15] There the court held that a Texas statute which denies a Texas school district state financial assistance for education of undocumented alien children, that is, Mexican nationals, violates the Equal Protection Clause of the United States Constitution. MSLF submitted an amicus brief in a companion case yet to be decided which argued that the Equal Protection Clause does not apply to

undocumented aliens. The chances that our arguments will presuade the Fifth Circuit, in light of the *Plyer* decision, appear remote. But I raise the case to stress my point that equality in education is increasingly a matter of law and not politics. Whether argued under the federal or state constitutions, defenders of egalitarianism will use their new found tools to defeat voucher systems and any attempt to dismantle government programs having the effect of standardizing public education and choking private education.

(3) Public interest law firms, like the MSLF, are as yet, an underdeveloped yet significant resource in helping the new Executive Branch and the Congress stop the avalanche of government control of public and private education. To persuade you of that seemingly grandiose claim let me begin by quoting our objective in pursuing education cases. What I view as MSLF's posiion on education was admirably stated by Justice Brennan in *Addington School District v. Schempp.* In a concurring opinion, Brennan said:

> Attendance at the public schools has never been compulsory; parents remain morally and constitutionally free to choose the academic environment in which they wish their children to be educated. The relationship of the Establishment Clause of the First Amendment to the public school system's preeminently that of reserving such a choice to the individual parent, rather than vesting it in a majoriy of voters of each state or school district. The choice which is thus preserved is between the public secular education with its uniquely democratic values, and some form of private or sectarian education, which offers values of its own. In my judgment, the First Amendment forbids the state to inhibit the freedom of choice by diminishing the attractiveness of either alternative—either by restricting the liberty of the private schools to incorporate whatever they wish, or by jeopardizing the freedom of the public schools from privat or sectarian pressures.[16]

Expressed in perhaps less eloquent words, MSLF has and will continue to pursue cases which: (1) protect the parent's right to select the education they deem most appropriate for their children; and (2) enhance the power of local school boards to determine without state or federal interference the policies of public schools; (3) strengthen the viability of private schools, including private universities and colleges.

In each of these areas we need more cases. But for a fledging group we have had an impact. Here is a sampling of those in which we are involved: We have represented ourselves, our members and AAPICU as amici curiae, on several occasions. In 1977, our first year, Rex Lee, Dean of Brigham Young University Law School, was the MSLF attorney representing AAPICU as amicus in *Cleland v. National College of Business.*[17] There we argued that the Veterans Administration could not constitutionally deny educational assistance benefits to veteran students enrolled in classes where more than 85% of the students received federal financial assistance. The district court held that the restrictions were a violation of due process and equal protection, although the Supreme Court reversed.

In the Hillsdale and Grove City cases, the issue, as you know, is whether the Title IX of the Education Amendments authorizes federal control over institutions only indirectly receiving federal funds.[18] Those cases, in my opinion, should both be decided upon statutory arguments the colleges advance—that the government's regulations, seeking to control private institutions, are not authorized under Title IX. Accordingly, neither the Sixth Circuit in Hillsdale case nor the Third Circuit in the Grove City College need decide whether or to what extent federal involvement in private education impinges the constitutional right of academic freedom. We are looking for another case raising those constitutional issues directly.

The foundation has also participated in *In Re Alien Children Education Litigation*, the title of case pending in the Fifth Circuit.[19] MSLF there argued in an amicus brief that the State of Texas may constitutionally determine for itself whether to educate undocumented alien children. Our objective in this case is not to disparage education of minorities. If Texas wishes to educate undocumented aliens at the public's expense, that is fine. The point is that the collection and allocation of funds to educate aliens is a function of the state and its political sovereignty, and not a "right", found in the United States Constitution. Unfortunately, the state of Texas never made that argument in the *Plyer* case I mentioned. Instead, it conceded that the Equal Protection Clause applied and attempted to justify the local school district's policy under a rational basis. Our argument in the companion case, which involves all the Texas schools, is that the Equal Protection Clause ought not to apply at all. My hope is that we can prevent, if not in the Fifth Circuit then the United States Supreme Court, the Equal Protection Clause from being used to create new and unintended rights.

Finally, the Foundation will shortly file a lawsuit against Shirley Hufstedler, the Secretary of Education. This suit is intended to prevent the circumvention of the legislative process and abuse of regulatory authority by executive agencies. In order to correct the overreaching of executive agencies as it applies to the Department of Education, Congress enacted §431(d) of the General Education Provision Act. This statute gives the department authority to formulate and propose "final regulations" which becom legally effective only when Congress reviews and does not disapprove such proposed regulations.

In April, 1980, the Department of Education submitted to Congress regulations related to the Education Appeal Board. Congress subsequently disapproved these regulations by concurrent resolution. Nonetheless, despite congressional disapproval, the department has chosen to implement these regulations, treating them as valid and immediately effective.

Our plaintiffs will be Congressman Ken Kramer of Colorado and other congressmen and senators. These elected officials will argue that the department's regulations have impinged their constitutional prerogative to override regulations contrary to statute. This case will hopefully resolve for the first time the question whether the legislative veto is constitutional.

The Foundation is seeking cases, like those outlined here, that are on the cutting edge of the law and establish public policy. We recognize that bureaucrats and politicians may come and go, but that courts, through their opinions, will go on forever.

SOURCES

[1] Statement of President Richard M. Nixon on announcing his last two appointments to the Supreme Court (Oct. 21, 1971).

[2] In *Cherokee Nation v. Georgia,* 5 Pet. 1 (1831), Chief Justice John Marshall speaking for the Court held that "The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, had adopted and sanctioned previous treaties with Indian nations, and consequently admits their rank among those powers—capable of making treaties." *Id.* at 558. The *Cherokee Nation* decision not to his liking, President Andrew Jackson declared, "The Supreme Court has made its decision. Now let it enforce it." Commenting on Jackson's remark, Professor Robert Bork of Yale noted, "Hasn't it now reached a point where it would be inconceivable for a President of the United States to say what Andrew Jackson did—If even earlier than he (was)." *How Active a Supreme Court,* reprinted transcript of William Buckley's "Firing Line," telecast February 10, 1980, remarks of Robert Bork, 6 The Human Life Review 74 (1980).

[3] S. 1839, 96th Cong., 2d Sess. (1980).

[4] 20 U.S.C. § 1232 (1976).

[5] Complaints about an overreaching judiciary are hardly new. President Jefferson, for example, insisted that the Court, and particularly his removed cousin Chief Justice John Marshall, had rendered the Constitution a blank paper by construction. Speaking of *Marbury v. Madison,* 1 Cranch 137 (1803), Jefferson said, "This practice of Judge Marshall, of traveling out of a case to prescribe what the

law would be in a moot case not before the court, is very irregular and very censurable." Jefferson to William Johnson, June 12, 1823, Virginia Commission on Constitutional Government, *Thomas Jefferson on Constitutional Issues*, 1787-1825 (1962).

[8] White, *Reflections on the Role of the Supreme Court: The Contemporary Debate and the Lessons of History*, 63 Judicature 162 (1979).

[9] 20 U.S.C. §1681(a).

[10] Cappelletti, *Vindicating the Public Interest*, 25 Buff.L.Rev. 643 (1976).

[11] R. Berger, *Government by Judiciary, The Transformation of the Fourteenth Amendment* (1977).

[12] *Lemon v. Kurtzman*, 403 U.S. 602, 621 (1971).

[13] Carl Rowan, *What the Tuition Tax Credit Fight is About*, The Washington Star, March 21, 1978.

[14] George Will, *How To Make Our Schools Better*, Newsweek, Oct. 3, 1977.

[15] *Lujan, et al, v. Colorado State Board of Education*, No. 79-SA276 (S.Ct. Colo.).

[16] *San Antonio School District v. Rodriguez*, 411 U.S. 1 (1978).

[17] *Doe v. Plyer*, 49 U.S.L.W. 2313 (1980).

[18] *Abington School District v. Schempp*, 347 U.S. 203, 242 (1963).

[19] *Cleland v. National College of Business*, 435 U.S. 213 (1978).

[20] *Hillsdale v. Department of Health, Education and Welfare*, No. 80-3207 (6th Cir.); *Grove City, et al, v. Department of Health, Education and Welfare*, No. 80-2383 and 2384 (3rd Cir.).

[21] *In Re Alien Children Education Litigation, State of Texas and Texas Education Agency*, No. 80-1807 (5th Cir.).

Federal Administrative Requirements for Colleges and Universities

The following chart lists many federal programs that affect the policies and procedures of colleges and universities. This chart is not comprehensive; contract and grant administration and veterans benefits, for example, are not included because of their extensive nature. Also, information regarding the Employee Retirement Income Security Act (ERISA) will be published separately within the next few months. Federal administrative requirements for student aid are listed in Fundamental Financial Aid Learning Guide *published by the National Association of Student Financial Aid Administrators.*

The information included in this chart is intended to be used solely as a reference guide. Primary source documents should be consulted when complying with these programs. Many of these documents and other pertinent information can be obtained from NACUBO's Federal Regulations and the Employment Practices of Colleges and Universities.

Although this material has been reviewed by officials in cognizant federal agencies, primary source documents and/or legal counsel should be consulted prior to the initiation of any action based on the contents of this chart.

Program	*What It Is*	*Who Must Comply*	*Deadlines and Remaining Effective Dates*	*Notification of Compliance Efforts*	*Recordkeeping and Maintenance*	*Posting Requirements*
IRS Form 990 (including Schedule A)	*Return of Organization Exempt from Income Tax*	Only independent colleges and universities are required to file.	Due 15th day of 5th month following close of institution's fiscal year. Request Form 2758 from IRS for extension.			
IRS Form 990-T	*Exempt Organization Unrelated Business Income Tax Return*	Institutions having gross income of $1,000 or more from unrelated trade or business.	Due 15th day of 5th month following close of institution's fiscal year. (Automatic 3-month extension—Form 7004; Form 7005 can be filed for additional extension only if extension Form 7004 has been granted. Both are available from IRS.)			
IRS Form 5713	*International Boycott Report*	Institutions doing business with a boycotting country or with a company or national of a boycotting country.	Due 15th day of 5th month following close of institution's fiscal year. Must be filed with Form 990. An extension for Form 990 automatically covers Form 5713.			
IRS Form 1041	*U.S. Fiduciary Income Tax Return*	Any trustee of a trust amounting to $600 or more.	Due 15th day of 4th month following close of institution's fiscal year.			
IRS Form 1099-NEC	*Nonemployee Commission Information Form*	Any person engaged in a trade or business, including nonprofit, who makes compensatory payments of $600 or more to individuals.	February 28 each year.			
IRS Form 1096	*Annual Summary and Transmittal of U.S. Information Returns—a summary of all 1099 forms filed.*	Any entity filing an IRS Form 1099.	February 28 each year.			

Program	*What It Is*	*Who Must Comply*	*Deadlines and Remaining Effective Dates*	*Notification of Compliance Efforts*	*Recordkeeping and Maintenance*	*Posting Requirements*
Section 503 of the Rehabilitation Act of 1973, as amended (DOL)	Sets affirmative action obligations of federal contractors and subcontractors to employees and for the advancement in employment of handicapped individuals.	All government contractors and subcontractors who have contracts for the furnishing of supplies or services or for the use of real or personal property (including construction for $2,500 or more) must include in those contracts an affirmative action clause.	Contractors with 50 or more employees holding a contract of $50,000 or more must develop an affirmative action program within 120 days of the commencement of a contract.	Policy compliance statement must be included in each announcement, bulletin, catalog, or application form made available to applicants for employment, employees, sources of referral of applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements.	Affirmative action program must be reviewed and updated annually. Each contractor and subcontractor must maintain for a period of not less than one year records regarding complaints and actions taken and employment and other records as required by the regulations.	Contractor must post affirmative action policy in conspicuous places available to employees and applicants for employment. These notices should include a statement that employees and applicants are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the act.
Section 504 of the Rehabilitation Act of 1973, as amended (ED)	Prohibits discrimination on the basis of handicap in all programs and activites.	All recipients of *federal financial assistance.*	Making facilities accessible according to structural modification included in the transition plan—June 3, 1980.	Policy compliance statement must be included in each announcement, bulletin, catalog, or application form made available to applicants for employment, employees, sources of referral of applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements.	Must maintain records of the institutional self-evaluation for 3 years after completion date of June 3, 1978.	
Age Discrimination in Employment Act of 1967, as amended (EEOC)	Prohibits discrimination in employment for workers form 40 to 70 years of age.	*Any employer of 20 or more workers* at all times during the year is subject to the law (an institution of higher education is considered an employer).	Colleges and universities may retire tenured employees at age 65 until July 1, 1982. Tenured employee must reach 65 by June 30, 1982 to be so retired.			A federally approved poster must be displayed in appropriate work places which outlines the rights of the protected age group and communicates steps and procedures to be followed by those who feel their rights have been violated.
Age Discrimination Act of 1975 (Individual agencies)	Prohibits discrimination based on age in programs and activities receiving *federal financial aid.* Exceptions: institutions that rely on reasonable factors other than age, even though the factors might affect a specific age group; or if age discrimination is necessary for the normal operation of the program or for achieving statutory objectives of the program.	All employers.	Federal agencies which provide financial assistance have developed specific regulations to enforce the act.	Every application for federal financial assistance must contain or be accompanied by an assurance that the programs or activity will comply with the requirements of the act.	A self evaluation to be completed by the institution within 18 months after the effective date of the act has been proposed. OMB is currently reviewing this requirement for paper work and administrative burdens.	

Program	What It Is	Who Must Comply	Deadlines and Remaining Effective Dates	Notification of Compliance Efforts	Recordkeeping and Maintenance	Posting Requirements
Title VI of the Civil Rights Act of 1964, as amended (ED and HHS)	Prohibits discrimination on the grounds of race, color, or national origin in all programs and acitivities.	All *recipients of federal* financial assistance.		Every application for federal financial assistance must contain or be accompanied by an assurance that the program or activity will comply with the requirements of the act.	Must keep and maintain records such as racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in an institution's programs, and keep other pertinent records which show compliance with the act.	
Title VII of the Civil Rights Act of 1964, as amended, which includes Pregnancy Discrimination Act (EEOC)	Prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) including treatment of pregnancy and related conditions on the basis of race, color, religion, national origin, or sex.	*All employers.* Religious institutions are exempt with respect to employment of a particular religion. However, they are not exempt from Pregnancy Discrimination Act.	See Executive Order 11246.	Policy compliance statement must be included in each announcement, bulletin, catalog, or application form made available to applicants for employment, employees, sources of referral of applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements.	Must keep and preserve specified records relevant to the determination of whether violations have occurred	
Title IX of the Education Amendments of 1972, as amended (ED)	Prohibits discrimination on the basis of sex in all programs and activities.	All *recipients of federal financial assitance.* *Exception:* Exempted from compliance are insitiutions approved by ED that are controlled by a religious organization where the regulations are not consistent with the religious tenets of the organization and which have traditionally admitted only students of one sex.		Policy compliance statement must be included in each announcement, bulletin, catalog, or application form made available to applicants for admission or employment, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements.		
Family Educational Rights and Privacy Act of 1974, as amended *(Buckley Amendmen)* (ED)	Provides greater privacy safeguards to parents and students through the application of fair information practices.	All institutions to which funds are made available under any federal program for which the U.S. Commissioner of Education has administrative responsibility. This includes (sub)contracts, (sub)grants and funding to students (i.e. BEOG, GSL).		Institution shall give parents of students or eligible students in attendance at the institution annual notice of their rights under the act, the institution's policy and where copies may be obtained, and the right to file complaints for alleged failures of the institution to comply with the requirements. This annual notice should be by such means as are likely to inform students and parents.		

Program	*What It Is*	*Who Must Comply*	*Deadlines and Remaining Effective Dates*	*Notification of Compliance Efforts*	*Recordkeeping and Maintenance*	*Posting Requirements*
Executive Order 11246, as amended (EEOC; DOL)	Prohibits discrimination in employment on the basis of race, color, religion, sex and national origin; including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment.	All government contractors and subcontractors who have contracts or subcontracts in excess of $10,000 in any 12-month period must include in those contracts an affirmative action clause. However, only contractors with 50 or more employees that have one or more federal contract(s) of $50,000 or more, have government bills of lading which in any 12-month period have an aggregate total value of $50,000 or more, is a depository of government funds in any amount, or issues U.S. savings bonds, must develop and maintain an affirmative action program.	*Higher Education Staff Information Report for Public and Private Institutions and Campuses* (EEO-6) is due on a biennial basis on November 30 of each odd-numbered year (i.e., November 30, 1981, 1983, 1985).	Policy compliance statement must be included in each announcement, bulletin, catalog, or application form made available to applicants for employment, employees, sources of referral of applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements.	Must keep and preserve specified records revelant to the termination and hiring of employees as to whether violations have occurred. Every institution of higher education must make and keep all records and information necessary for completion of the report and retain records for a period of 3 years. DOL has developed a new requirement for an annual summary of affirmative action plans. Summary will include affirmative action hiring goals and accomplishments and any discrepancies in employment opportunity that exist among minorities. Format of the report and the due date have yet to be determined.	
Fair Labror Standards Act of 1938, as amended (DOL)	Encompasses restrictions imposed by public policy on compensation and certain types of working conditions within the employer-employee relationship.	All independent institutions.	The minimum (and sub-minimum) wage changes on January 1st of almost every year.		The employer must maintain accurate "work time" records but is not required to use time clocks or time cards.	A federally approved poster must be displayed in appropriate work places advising employees of their rights under the act. Any changes made in the act (e.g., minimum wage) must be incorporated in this notice within 30 days from the date of change.
The Equal Pay Act of 1963, as amended (EEOC)	Prohibits employers from discriminating between male and female employees in an establishment by paying lower rates to employees of one sex than to those of the other sex for equal work on jobs requiring equal skill, equal effort, and equal responsibility which are performed under similar working conditions.	All Employers.			The employer is required to maintain and preserve records concerning employees' wages, hours, sex, and occupation for 2 to 3 years depending upon the type of information.	A federally approved poster must be displayed in appropriate work places advising employees of their rights under the act. Any changes made in the act (e.g., minimum wage) must be incorporated in this notice within 30 days from the date of change.

Program	What It Is	Who Must Comply	Deadlines and Remaining Effective Dates	Notification of Compliance Efforts	Recordkeeping and Maintenance	Posting Requirements
Occupational Safety and Health Act of 1970 (DOL)	Establishes federal standards for a safe and healthful working environment.	Independent colleges and universities are subject to these federal requirements unless their states have federally approved plans, in which case they are under state jurisdiction. Public institutions are not subject to these federal requirements; however, they may be subject to state safety and health requirements.	An annual summary and log of recordable occupational injuries and illnesses (Form 200) must be posted in the work place during February of each year.	Catastrophies, fatalities and incidents requiring hospitalization of 5 or more employees must be reported to OSHA within 48 hours and recorded in the daily log section of OSHA Form 101 and Form 200.	The employer is required to maintain occupational injury and illness records in the establishment to which the employees normally report for work (Forms 101 and 200). Forms 101 and 200 must be kept in the working establishment for at least 5 years.	A federally approved poster regarding job safety and health protection must be displayed in appropriate work places in the establishment where the employees normally report for work. Form 200 must be posted during February of each year.
Health Maintenance Organization Act of 1973 (HHS)	Encourages the development of health maintenance organizations in their initial stages.	Any employer who is required to pay the federal minimum wage, has not less than 25 employees, already offers a health benefit plan, and has received a request in writing for inclusion in the employer's health benefits plan from one or more qualified HMOs operating in an area in which any eligible employees reside. *Exception:* An employer is not required to offer an HMO option if no employer financial contribution is made.	Employers subject to legislation must at the time a health benefits plan is offered to eligible employees, include the option of membership in qualified health maintenance organizations.		Data used to compute contribution levels must be retained for at least 3 years.	
Vietnam Era Veterans' Readjustment Assistance Act of 1974 (DOL)	Affirmative action obligations of contractors and subcontractors for disabled veterans and all veterans of the Vietnam era, including hiring, upgrading, demotion or transfer, recruitment, layoff or termination, rates of pay or other forms of compensation and selection for training.	All government contractors and subcontractors who have contracts or subcontracts in an amount of $10,000 or more for the furnishing of supplies or services for the use of real or personal property must include in those contracts an affirmative action clause. However, only government contractors or subcontractors with 50 or more employees holding a contract of $50,000 or more must develop and maintain an affirmative action program.	Affirmative action plans must be prepared within 120 days after the commencement of a $50,000 contract or subcontract. All employers that have contracts of $10,000 or more must list immediately with the appropriate office of the state employment service system employment openings below $25,000.	Must report to appropriate employment service on a quarterly basis information regarding numbers of disabled and nondisabled Vietnam veterans and other veterans hired. Policy compliance statement must be included in each announcement, bulletin, catalog, or application form made available to applicants for employment, employees, sources of referral of applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements.	Must maintain for a period of at least one year records regarding complaints and actions taken.	Contractor must post affirmative action policy in conspicuous work places available to employees and applicants

Agency Abbreviations

DOL — Department of Labor
ED — Department of Education
EEOC — Equal Employment Opportunity Commission
HHS — Department of Health and Human Services
IRS — Internal Revenue Service

This chart was updated by Janice Menke, NACUBO staff associate for federal focus and management programs. The chart was first published in the August, 1978 Business Officer.

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